United Nations A/64/339

General Assembly

Distr.: General
9 September 2009

Original: English

Sixty-fourth session
Item 33 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-first report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to General Assembly resolution 63/95.

* A/64/150.

09-50537 (E) 021009

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal. This year, owing to the absence of the Chairman of the Committee, the Ambassador of Sri Lanka to the United Nations in New York, the Ambassador of Malaysia in New York has functioned as the Acting Chair of the Special Committee.

The present, forty-first, report to the General Assembly reflects the substance of the information gathered during the mission of the Special Committee to the Arab Republic of Egypt, the Hashemite Kingdom of Jordan and the Syrian Arab Republic from 3 to 13 August 2009. In these three countries, the Committee interviewed 33 Palestinian, Israeli and Syrian witnesses and representatives of non-governmental organizations. The Committee also reviewed numerous relevant documents and research materials, including a written submission by the Ministry for Foreign Affairs of the Syrian Arab Republic.

The present report consists of several sections. Most significantly, section V sets out information concerning the human rights situation in the occupied territories. Section VI constitutes an overview of Israeli practices affecting the human rights of Syrian Arab citizens in the occupied Syrian Golan; and section VII presents the conclusions of the report and the recommendations of the Special Committee to the General Assembly.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Committee is composed of three Member States: Malaysia (represented by the Permanent Representative of Malaysia to the United Nations in New York, Hamidon Ali); Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, Babacar Carlos Mbaye), and Sri Lanka (represented by the Counsellor of the Permanent Mission of Sri Lanka to the United Nations in New York, Samantha Jayasuriya). The reports of the Committee are submitted to the General Assembly and reviewed in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

2. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered to be those territories remaining under Israeli occupation, namely, the occupied Syrian Arab Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip. The persons covered by resolution 2443 (XXIII), and therefore the subject of the investigation of the Special Committee, are the civilian population residing in territory occupied during the course of the 1967 Arab-Israeli War.

3. The human rights of the Palestinian people and other Arabs of the occupied territories are those referred to by the Security Council in its resolution 237 (1967) as "essential and inalienable human rights" and those rights that find their basis in the protection afforded by international law, in particular in circumstances such as military occupation and, in the case of prisoners of war, captivity.

4. The "policies" and "practices" affecting human rights that fall within the mandate of investigation by the Special Committee refer, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared and undeclared intent. "Practices" refers to those actions that, irrespective of whether or not they were undertaken pursuant to a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

5. The Special Committee bases its work on the human rights standards and obligations enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention),[3] the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (the Third Geneva

[1] General Assembly resolution 217 A (III).

[2] See General Assembly resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, No. 973.

Convention),[4] the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict,[5] and the Hague Conventions of 1899 and 1907 concerning the Laws and Customs of War on Land.[6] The Committee also relies on those resolutions relevant to the situation of civilians in the occupied territories adopted by the General Assembly, the Security Council, the Economic and Social Council and the Human Rights Council.

6. In its resolution 63/95, the General Assembly requested the Special Committee to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967. It also directed the Committee to consider Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; to consult, as appropriate, with the International Committee of the Red Cross (ICRC) according to its regulations, in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded; and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. Finally, the Assembly directed the Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967. The Committee is not mandated to review the practices of other Members States, including the Israeli practices within the territory of Israel.

III. Activities of the Special Committee

Field mission of the Special Committee to the Middle East

7. In preparation for its field mission to the Middle East, the Special Committee addressed a letter on 4 May 2009 to the Permanent Representative of Israel to the United Nations Office at Geneva, requesting full access to the occupied territories in order to fulfil the responsibilities entrusted to it by the General Assembly in resolution 63/95. Regrettably, it received no response to its communication from the Israeli authorities.

8. Owing to the fact that it has been unable to visit the occupied territories since its establishment in 1968, the Special Committee carried out a mission to Egypt from 3 to 7 August 2009, Jordan from 7 to 11 August 2008, and the Syrian Arab Republic from 11 to 13 August 2009, where it heard the testimony of 33 witnesses about the situation of human rights in the occupied territories. The Committee sought to consider all views pertinent to the situation affecting the human rights of the Palestinians and other Arabs in occupied territories. To that end, it extended invitations to Palestinian, Israeli and Syrian witnesses and organizations, and made every possible effort to facilitate their appearance before the Committee. It also interviewed several witnesses over the telephone. During the preparation of this report, the Committee reviewed all written statements, documentation and other materials submitted to it.

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[4] Ibid., vol. 75, No. 972.

[5] Ibid., vol. 239, No. 3511.

[6] See Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

9. The Special Committee also met government representatives, representatives of regional and intergovernmental organizations, representatives of Red Crescent societies, United Nations officials and experts from specialized United Nations agencies. The Committee is particularly grateful for the opportunity to have met with, among others, the Minister for Foreign Affairs of Egypt, Ahmed Aboul Gheit, the Minister for Foreign Affairs of Jordan, Nasser Joudeh, the Minister for Foreign Affairs of the Syrian Arab Republic, Walid al-Moualem, and Deputy Minister for Foreign Affairs of the Syrian Arab Republic, Faysal Mekdad.

10. In Cairo, the Special Committee visited the offices of the League of Arab States and met officials of the Egyptian Red Crescent Society, the Egyptian National Council for Human Rights, and the Palestine Hospital. While in the Syrian Arab Republic, the Committee met the acting United Nations resident coordinator and World Health Organization (WHO) Representative, Dr. Ibrahim A. Betelmal, and members of the United Nations country team. It also visited the city of Quneitra, where it met the governor of Quneitra Province, Nawaf al-Sheikh. While in Damascus, the Committee held a press conference.

11. The Special Committee expresses its gratitude to the offices of the United Nations resident coordinators in Egypt, Jordan and the Syrian Arab Republic for the valuable assistance extended to it in preparation for and during its visits to those countries.

12. The present report of the Special Committee is presented in accordance with General Assembly resolution 63/95.

IV. Recent developments

13. On 27 December 2008, the Israeli Defense Forces (IDF) launched a large-scale operation (Operation Cast Lead), in which over 1,200 Palestinians were killed and some 5,300 injured. At least 1,000 of the Palestinian killed were reported to have been civilians or police personnel, including the 255 policemen and officers killed during a single air raid at the start of the Israeli operation.[7] Official Israeli sources reported 14 Israeli dead as a result of rocket attacks by Hamas. Both IDF and Hamas declared unilateral ceasefires on 18 January. The situation following the ceasefire has remained volatile, with neither a peace process nor a peace plan in place.

14. To respond to concerns that Israel may be in violation of its obligations under international humanitarian law, in particular the principles of distinction and proportionality,[8] the Human Rights Council called for a special session on the situation in Gaza. At its ninth special session, the Human Rights Council adopted resolution S-9/1 (A/HRC/S-9/L.1), in which it recognized that "massive ongoing Israeli military operation in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, has caused grave violations of the human rights of the Palestinian civilians therein, exacerbated the severe humanitarian crisis in the

[7] See A/HRC/12/37.

[8] The principle of distinction essentially requires parties to a conflict to take all necessary measures to distinguish between the civilian population and combatants and between civilian objects and military objectives; the principle of proportionality prohibits the attacks if they cause incidental loss of civilian life, injury to civilians, or damage to civilian objects that is excessive in relation to the anticipated concrete and direct military advantage of the attack.

Occupied Palestinian Territory and undermined international efforts towards achieving a just and lasting peace in the region". While affirming the applicability of international humanitarian law, namely the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, as well as international human rights law and international humanitarian law in a complementary and mutually reinforcing manner, the Council, in its resolution S-9/1, recognized that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constituted collective punishment of Palestinian civilians with disastrous humanitarian and environmental consequences.

15. In the light of resolution S-9/1, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, submitted his report to the Human Rights Council on 11 February 2009. The report focused on international law and human rights issues arising from Operation Cast Lead during the period from 27 December 2008 to 18 January 2009. In the report, the Special Rapporteur concluded, inter alia, that the Palestinian rights of resistance under international law continually collide with Israeli security concerns as the occupying Power, requiring a basic adjustment in the relationship between the parties premised on respect for the legal rights of the Palestinian people.[9]

16. On 20 March, 10 special rapporteurs: the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Special Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty submitted a combined report to the Human Rights Council (A/HRC/10/22), calling on Israel to end the blockade of Gaza, allow unrestricted imports of medical supplies, foodstuffs and agricultural products, fuel and construction materials, grant permission for patients to access medical care, and ensure the free and unimpeded movement of civilians.

17. On 14 August 2009, as mandated by the Human Rights Council in its resolution S-9/1, the High Commissioner for Human Rights submitted to the Human Rights Council a report on grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip.[7] The report focuses, inter alia, on incidents of possible violations of international humanitarian and human rights law by IDF.

18. In addition to periodic reports, the Human Rights Council in its resolution S-9/1, also mandated the establishment of an international, independent fact-finding mission in order to "investigate all violations of international human rights law and

[9] See A/HRC/10/20.

international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 to 18 January 2009, whether before, during or after".[10] Under the leadership of Justice Richard Goldstone, a former member of the South African Constitutional Court and former Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, the mission convened its first meeting on 4 May 2009 in Geneva. The four members of the mission have since held meetings with a broad cross-section of stakeholders, including United Nations Member States, non-governmental organizations and United Nations officials. The fact-finding mission has also carried out two separate missions to Gaza.

19. On 11 February 2009, the United Nations Secretary-General appointed a United Nations Board of Inquiry to review and investigate nine incidents affecting United Nations premises in Gaza that occurred during Operation Cast Lead. In its summary of findings, released on 5 May 2009, the Board of Inquiry found the Israeli forces to have been responsible for seven of the nine incidents; Hamas was found responsible for one of the incidents, while the findings for the ninth incident were reported to be inconclusive.

V. Situation of human rights in the Occupied Palestinian Territory

20. The situation of human rights in the Occupied Palestinian Territory was particularly affected by the Israeli Operation Cast Lead. According to the Palestinian Centre for Human Rights, the total death toll in Gaza during the offensive was 1,420, of whom 1,170 were non-combatants, including civilians and police officers not involved in military activities, 319 children and 111 women. Over 5,000 Palestinians were reported to have suffered severe injuries or permanent disabilities, including 1,600 children and 830 women.[11] A disproportionate number of civilians killed, including numerous instances of reported targeting of civilians and civilian objects,[7] led many witnesses to conclude that Israel deployed excessive use of force in defiance of international law and engaged in a war against civilians under the pretext of national security.

21. The Special Committee received a number of testimonies pertaining to the indiscriminate targeting of civilian objects by Israeli forces, including with white phosphorus munitions, which were reported to have caused severe injuries to the civilian population, while damaging or completely destroying civilian objects.[12]

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[10] United Nations fact-finding mission on the Gaza conflict, press release of 3 April 2009.

[11] See http://www.pchrgaza.org/.

[12] Like other lethal weapons, the use of white phosphorous munitions is regulated by the international humanitarian law and requirements set out in Protocol III of the Convention on Certain Conventional Weapons. The parties in conflict are required to discriminate between military objectives and civilians and civilian objects and refrain from attacks which cause disproportionate damage to civilians and to civilian objects. The use of white phosphorous weapons, including as air-dropped incendiary weapons, against any military objective within concentrations of civilians is prohibited, unless the military objective is clearly separated from the civilians.

22. During the course of the operation, over 3,000 private homes were reported to have been destroyed and over 20,000 homes, hospitals, schools, universities, factories, businesses and mosques damaged. According to the Office for the Coordination of Humanitarian Affairs, 250 schools and kindergartens were destroyed during the Israeli offensive. Several schools operated by the United Nations Relief and Works Agencies for Palestine Refugees in the Near East (UNRWA) came under attack, despite the fact that it had informed the Israeli authorities of their locations and the fact that they were used to shelter the fleeing civilian population. On 5 January 2009, Israeli rounds impacting at the Asma Elementary School killed three persons. On 6 January, Israeli fire struck the Jabalia Preparatory Boys School, instantaneously killing over 30 persons. The UNRWA main compound in Gaza was hit on 15 January, where as many as 700 Palestinians sought shelter. The Israeli Defence Minister subsequently apologized for the attack, calling it a "grave mistake".

23. During the Israeli offensive on the Gaza Strip, the Gaza borders with Israel and Egypt remained closed, effectively trapping the entire population of 1.5 million persons in a war zone, in contravention of all international humanitarian principles. Without the possibility to flee the fighting or to seek refuge, many witnesses stated that they felt trapped and imprisoned. Article 33 of the Fourth Geneva Convention states that "[n]o protected person may be punished for an offence he or she has not personally committed. Collective penalties are prohibited". During the first few weeks of the military activities, the access of international humanitarian assistance to Gaza was blocked.[13] Even before the offensive, some 85 per cent of the Gaza residents were reported to be dependent on humanitarian aid for survival.

24. Following the cessation of hostilities in January 2009, Israeli authorities additionally tightened the border control with Gaza and placed additional restrictions on the import of essential goods into Gaza, while bringing the export from Gaza to a minimum. The banning of exports deprived many families of much needed income. Restriction of movement across the border of Gaza for people and goods was described to the Special Committee as arbitrary, punitive and intended to frustrate the efforts of both the international humanitarian community and the local Palestinian population.

25. All crossings between the Gaza Strip and Israel remain closed, save for rare and exceptional cases, resulting in the creation of a prison-like situation for many Gazans. The formal economy has been by now almost completely replaced by illegal trade and smuggling that for many families is currently the only source of income or means to obtain essential goods. Faced with tight restrictions on the importation of food and medicine via Israel, Gazans rely on supplies smuggled in through the "underground tunnels". While the "tunnel economy" seems to cover basic needs in terms of food, medicine and medical equipment appear to be in chronic short supply.

26. Meanwhile, Israeli authorities continue with the expansion of settlements in the West Bank. The report of the Special Committee last year (A/63/273) noted how 87 per cent of the wall cuts well into the West Bank territory, outside the 1949 Green Line (the armistice line between Israel and the Jordanian-controlled West

[13] On 7 January, as a result of mounting international pressure, Israel and Hamas instituted three-hour-long ceasefires every, or every other, day to allow humanitarian convoys into Gaza.

Bank). Citing "natural growth", Israel continues to expand settlements, making no allowance for the natural growth to Palestinian families, who thus feel subjected to discriminatory treatment when it comes to land distribution, the awarding of property rights and land deeds or access to water.

27. Women are reported to be particularly affected by the occupation and Israeli settlement policy. The Committee was presented with a number of cases illustrating the challenges faced by Palestinian women, who, in fear of harassment at checkpoints or by settlers, increasingly feel unable to provide for their families or are simply too scared to move outside the boundaries of their communities.

28. Israel continues to detain Palestinians, including children, under the administrative detention regime and in incommunicado conditions for prolonged periods of time. Reports received by the Special Committee suggest that at least some detainees are subjected to ill treatment and degrading and humiliating treatment while in detention. The Committee is concerned that the interrogation and detention of security suspects is designed to humiliate the prisoners and that detention may give rise to ill treatment and torture, contrary to customary international law and Israel's obligations under international human rights law. The Committee is particularly concerned about the reports that indicate that detained Palestinian children and juveniles are not afforded appropriate treatment in accordance with the provisions and requirements set forth in the Convention on the Rights of the Child, to which Israel is a party.

29. Finally, the Special Committee was alerted to a situation affecting human rights defenders and the freedom of association and assembly. Organizations based in Israel but with operations and activities in the occupied territories informed the Committee of pressure on some of their Israeli members to cease their activities. They also reported to be facing increasing difficulties in gaining access to the occupied territories. Besides limiting the movements across checkpoints and border crossings, Israeli authorities are also reported to restrict the granting of visas for experts and human rights activists from abroad. Many Palestinian organizations, including student associations, in the West Bank and East Jerusalem, are considered illegal under Israeli law, which puts their members at risk of arrest and detention.

A. Right to self-determination

30. On 26 March, 2009, the Human Rights Council adopted resolution 10/20 on the right of the Palestinian people to self-determination, which, in line with the provisions of Articles 1 and 55 of the Charter of the United Nations, affirms the rights of the people to self-determination and the need for scrupulous respect for the principle of refraining in international relations from the threat or use of force. The right to self-determination is further enshrined in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and is paramount to the consideration of the overall situation of human rights in the Occupied Palestinian Territory, including East Jerusalem. The Human Rights Council, in its resolution 10/20, reaffirmed "the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State".

31. The Special Committee believes that the failure to realize this right compromises the possibility for the full respect for and protection and fulfilment of the rights of the Palestinian people. The ongoing policy of fragmentation of the occupied territories, including the complete isolation of the West Bank from Gaza, the fragmentation of West Bank communities, the ongoing expansion of Israeli territory through the construction of the wall and the increase of settlements, continues to dramatically affect the territorial contiguity and social fabric of the Palestinian people and is in violation of international law.

32. Many human rights experts and witnesses described Israeli Government actions in Gaza and the West Bank, including East Jerusalem, as being systematically discriminatory and, in general, as denying the right of the Palestinian population to live in safety and with dignity. The Special Committee already noted article 33 of the Fourth Geneva Convention prohibiting the application of measures that may lead to collective punishment. Even though the Israeli army declared the withdrawal of its troops from the Gaza Strip in 2005, it continues to deploy along the border with Gaza and within Gaza's "buffer zone", which, since 2007, has increased from 17 to 24 per cent of the Gaza territory. Israel's control of the border, including aerial and maritime, allows it full control over the movement of people and materials from and into Gaza. Israel limits fishing for Palestinian fishermen to within three nautical miles of the coast of Gaza.

Settlements

33. In paragraph 120 of its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, of 9 July 2004, the International Court of Justice concluded "that Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law".[14] The transfer of its own population by the occupying Power into the occupied territory is prohibited by article 49, paragraph 6, of the Fourth Geneva Convention, which stipulates that: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."[3] More recently, the Human Rights Council, in resolution 10/L.5 of 20 March 2009, deplored Israel's construction of new housing units for Israeli settlers in East Jerusalem, as they undermine the peace process and the creation of a Palestinian State, and are in violation of international law and pledges made by Israel at the Annapolis Conference of 27 November 2007.

34. The Special Committee reviewed various maps showing the expansion of settlements in the West Bank, in particular East Jerusalem. The Palestinian Central Bureau of Statistics recorded an increase of almost 2.3 per cent in the number of settlers from January to June 2009.

35. The Special Committee was informed of Israeli plans to build 50,000 new housing units in East Jerusalem in the next 10 years, which would inevitably require the demolition of Palestinian houses and de facto separate Palestinian residential areas of East Jerusalem into two disconnected parts. This, in the view of many Palestinians and informed observers, is intended to hamper the ability of the Palestinian authorities to lay claims on East Jerusalem as its capital. Describing the settlement activity in Jerusalem's neighbourhood of Sheikh Jarrah near the Old City,

[14] See A/ES-10/273.

the Office for the Coordination of Humanitarian Affairs wrote the following: "[i]n a number of cases, property expropriated by the Israeli authorities through a complex system of legal, administrative and institutional mechanisms has been leased or transferred to settler organizations. In other cases, settler organizations have made use of the Israeli legal system to lay claim to property allegedly owned by Jewish individuals or associations in the occupied territory prior to 1948. Israeli courts have ruled in favour of such claims while failing to recognize the rights of Palestinian refugees to reclaim lost land and property".[15]

36. Since the occupation of 1967, Israel has integrated East Jerusalem into the Jerusalem municipality and reportedly expropriated over one third of East Jerusalem for the construction of Israeli settlements, destroying in the process many Palestinian homes. Only 13 per cent of the annexed area is currently zoned by the Israeli authorities for Palestinian construction, within which Palestinians have the possibility of obtaining a building permit. However, much of this land is already built up, the permitted construction density is limited and the application process is complicated and expensive.[16]

37. The expansion of Israeli settlements into the West Bank continued throughout the reporting period. According to the Office for the Coordination of Humanitarian Affairs, in the first six months of 2009, there was a monthly average of 27 demolitions and 53 people displaced in Area C, comprising roughly 40 per cent of the West Bank territory, which is 29 and 26 per cent higher, respectively, than the 2008 monthly averages.[17]

38. From August 2008 to July 2009, 755 square metres were added to the total area of Israeli settlements in the West Bank, with 85 per cent of the expansion taking place in 79 settlements that fall behind the wall. Some organizations reported that during 2009 several new outposts were created that will be, at a later stage, developed into new settlements. The Committee also received reports of the Israeli confiscation of 139,000 dunums[18] of land along the Dead Sea, reportedly intended to deny the Palestinian Authority control over the area, which has historical significance and the potential for tourism.

Settler violence

39. Reports received by the Special Committee indicate that, with the expansion of settlements, the tension and violence in the areas in and around Israeli settlements increased. The Committee is concerned about the reports that Israeli authorities take attacks by Israeli settlers lightly, failing to prevent and stop the attacks or prosecute the perpetrators. The Committee received detailed accounts of some incidents of vandalism of Palestinian property in the West Bank. The Office for the Coordination of Humanitarian Affairs recorded 188 of such incidents in 2009.[18]

40. Farmers report frequent harassment, physical attacks or threats to personal integrity by settlers or Israeli soldiers while working on their lands, as well as the

[15] Office for the Coordination of Humanitarian Affairs: Fact sheet, Sheikh Jarrah, August 2009.

[16] Office for the Coordination of Humanitarian Affairs Special Focus, April 2009.

[17] The Israeli Government maintains military and civilian control over so-called Area C of the West Bank, where 319 Palestinians, including 167 children, were displaced and 392 people, including 254 children, affected by demolitions between January and July 2009. OCHA: Sheikh Jarrah, 15 August, 2009.

[18] One dunum equals 1,000 square metres or 10,764 square feet.

burning or destruction of farms or theft of olives. Incidents are particularly common during the olive harvest in October.

41. Settler-related attacks are reported to be particularly common in the areas around Nablus and Hebron, both of which have experienced significant and rapid expansion of Israeli settlements. Children and women are particularly exposed to violence, as they often appear as the most vulnerable and are frequently alone during the day. The Special Committee heard numerous testimonies of women being targeted by settlers, having their property and houses vandalized while inside their homes, being hit by rocks, fired at, beaten or verbally abused. The attacks frequently occur in the presence of the Israeli army. The Committee was told that a vast majority of these incidents are unreported owing to the lack of trust in the Israeli justice system.

House demolitions

42. Israeli authorities continue to demolish Palestinian houses in many areas of the West Bank and East Jerusalem, citing illegal construction, overt proximity to the wall or various urban planning regulations, even though many demolished houses predate the creation of the State of Israel and have been in place for hundreds of years. Obtaining the deeds of an existing house or a construction permit for a Palestinian is lengthy, costly and often sufficiently complicated to be discouraging. In many cases, however, Palestinians are denied construction permits on the grounds that the urban planning policy is unknown, or is known and does not permit the construction of residential premises but is earmarked for parks or similar communal structures. Some Palestinians recounted how their land was seized to make way for a community park or green area that, at a later stage, became an Israeli settlement. Most Palestinians are therefore left with no choice but to build without a licence.

43. Since the beginning of 2009, the Office for the Coordination of Humanitarian Affairs recorded 221 demolitions in the West Bank leading to the direct displacement of 513 Palestinians, while an additional 838 Palestinian homes received demolition orders. Some estimates show that another 8,000 houses may be served demolition orders, which would displace 60,000 Palestinians. UNRWA reported that in one case of eviction of Palestinian refugees in August 2009, "the evicted families' belongings were loaded onto trucks and dumped at the edge of a busy Jerusalem road".[19] Entire communities both in Jerusalem and other cities, such as Nablus, are said to be at risk of eviction. The Jerusalem Municipality allegedly allocates $1 million each year to the demolition of houses.

44. In August 2009 alone, 84 Palestinian houses were bulldozed and their families displaced. In a joint communiqué issued after its June meeting, the Quartet[20] called on Israel "to refrain from provocative actions in East Jerusalem, including home demolition and evictions".

[19] See Department of Public Information, United Nations News service: "UN Envoy speaks out against Israel's 'unacceptable' evictions of Palestinians" (3 August 2009).

[20] The Quartet on the Middle East was created in 2002 and is represented by the United Nations, the United States of America, the European Union and the Russian Federation.

The wall

45. Five years after the International Court of Justice rendered its advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory,[14] stating that the route of the wall in the West Bank, and its associated regime of permits and restrictions, was contrary to international law, construction of the wall continues. Approximately 200 kilometres of the wall's planned route of 705 kilometres has been reported as completed, with 86 per cent of it inside the West Bank, and not along the 1949 Green Line.[21]

46. Protests against the wall continue, with reports of casualties on the Palestinian side. Residents of two Palestinian villages in western Ramallah, Bil'in and Nil'in, submitted a petition to the Israeli High Court of Justice because the wall cut them off from their farmlands. In September 2007, the Israeli High Court ordered the State to re-route the wall in order to reduce the harm to Bil'in residents. The Court has since reviewed two proposals for alternative routes of the wall submitted by the Israeli authorities, both of which were rejected by the Court on the grounds that they give insufficient considerations for the humanitarian impact of the wall on the villagers. In the last rejection, the Court demanded that in the consideration for the route of the wall, only the security needs of the neighbouring Israeli settlement of Modi'in Illit, and not the needs of a planned expansion area, should be taken into consideration. It is the view of many witnesses, Israeli and Palestinian alike, that the route of the wall was not based on security considerations, but to perpetuate and expand the settlements, foreclose the Palestinian State and ensure lasting Israeli control over the areas of the West Bank.[22]

B. Right to freedom of movement and freedom to choose one's residence

Checkpoints, roadblocks, the permit system and other obstacles to movement

47. The right to freedom of movement and to choose one's residence continues to be severely restricted in all parts of the occupied territories. According to various reports, the granting of residency permits for the West Bank and Jerusalem by Israeli authorities is designed to discourage the settlement of Palestinians in those areas. The Special Committee was informed that Israeli authorities routinely refuse to grant residency rights to residents of Gaza married to Palestinians in the West Bank. The same is apparently denied to Palestinians wishing to settle in East Jerusalem on the grounds of marriage. Palestinians residing in East Jerusalem are considered "residents" whose status can be revoked by the Israeli Ministry of the Interior at any time.

48. Reports suggest the increase in closure obstacles from 607 in April 2008[23] to between 634 and 668 in 2009, with some 93 staffed checkpoints.[24] The internal

[21] See A/HRC/12/37; see also, Office for the Coordination of Humanitarian Affairs, the Humanitarian Monitor, July 2009.

[22] Office for the Coordination of Humanitarian Affairs, the Humanitarian Monitor, July 2009.

[23] Office for the Coordination of Humanitarian Affairs Closure Update, May 2008.

[24] In 2009, the Israeli authorities reportedly removed a number of checkpoints on the Palestinian access routes into four main cities: Nablus, Hebron, Tulkarem and Ramallah; the removal of these checkpoints seems to be followed by the establishment of even more checkpoints elsewhere.

closure regime also includes random or "flying" checkpoints and the wall, as well as administrative and legislative measures that include the formal annexation of territory to Israel, the declaration of areas as "closed military zones", prohibition of the use of roads, prohibition, on the basis of age or sex, on moving through checkpoints, and time limitations on the opening of checkpoints and curfews. The implementation is often random, thus making the regime unpredictable and the impact on Palestinian lives immeasurable. Witnesses presented detailed maps of the West Bank criss-crossed with various forms of movement control, of movement which constitutes an indispensable part of Palestinians' lives in the West Bank. As in previous years, the Special Committee was told that males between the ages of 16 and 35 are virtually unable to leave cities in the northern West Bank.

49. In an operational update report covering the period April to June 2009, ICRC described the situation in the following terms: "It is often difficult for farmers who own land between the West Bank barrier and the Green Line (the 1949 armistice line) to gain access to it. They can be barred from working their fields or tending to their olive groves as Israeli-controlled gates through the barrier are seldom open. Each year, precious crops are also lost when fires break out and farmers are not able to get to their land to extinguish them".[25] Farmers are subjected to limited and arbitrary opening hours and waiting periods at gates through which Palestinians have to pass in order to access their land, as well as to obstacles involved in obtaining a "permit". Many have difficulties in obtaining permits to farm their own land because of tightened eligibility requirements. A limited number of farmers (20 per cent) who used to farm the land in the "seam zone" (zone between the 1949 Green Line and the wall) before completion of the barrier have received "visitor" permits. Multiple refusals are discouraging farmers from re-applying.

50. Also, the freedom of movement is significantly obstructed by a network of roads in the West Bank which links settlements to each other and to Israel and is off limits to Palestinians. The prohibition of access to key arteries, within the West Bank, is severely impacting on the freedom of movement of Palestinians. The Special Committee reported in its report last year (A/63/273) on the closing of Highway 443 to all cars with Palestinian license plates. All access roads to the Highway, which connects six Palestinian villages with the population of some 25,000 people to Ramallah, are blocked. The villages submitted a petition against this prohibition to the Israeli High Court of Justice, which issued an interim decision in March 2008, giving the State six months to report progress on the construction of an alternative road for Palestinians, but failed to address the question of the legality of the prohibition of the use of a road based on nationality criteria.

51. While freedom of movement, as stipulated in article 12 of the International Covenant on Civil and Political Rights, is subject to permissible limitations, such restrictions are subject to strict requirements. The arbitrariness and methods used in the implementation of movement restrictions, among others, are in clear contravention of the above obligations. The Special Committee heard several accounts of the difficulties faced by the population of the area affected by the wall in reaching schools, health services and workplaces. The effects of the wall are particularly devastating in occupied East Jerusalem. The impact of obstructions on

[25] See International Committee of the Red Cross (ICRC): Operational update — ICRC activities in Israel, the occupied and autonomous territories: April-June 2009.

specific rights other than the right to freedom of movement is detailed in the subsequent chapters of this report.

52. Many witnesses spoke of the humiliating procedures at checkpoints, noting that such procedures particularly affect women, especially as they fear being subjected to strip searches. According to the High Commissioner for Human Rights, the obstacles to freedom of movement has immense negative effects on expectant mothers, leading to an estimated 2,500 births per years being affected by delays or the inability to access adequate medical care. The risks presented by checkpoints, road closures and other obstacles are reported to have led to an 8.2 per cent increase in home deliveries, further compounding the risk to women's health and to their babies.[26]

53. Some witnesses expressed their concern that the measures on movement control limit their ability and right to worship or assemble in connection with a religion or belief. In the old city of Hebron, there are some 600 settlers living in close proximity to 30,000 Palestinians. The Israeli authorities have imposed tight security measures and have set up many checkpoints in this area of the city, where the Cave of the Patriarchs, an important place of worship for both Jews and Muslims, is located. A number of roads are closed to the Palestinians, and they are not allowed to bring cars into the areas where they live.[27] Access is also restricted to Muslims without special authorization to the third holiest Muslim shrine — Al-Aqsa Mosque in Jerusalem.

C. Right to an adequate standard of living, including adequate food, clothing and housing

54. The right to an adequate standard of living in the occupied territory is greatly impacted by the ongoing occupation, while in Gaza the situation has further deteriorated drastically as a result of Operation Cast Lead. Years of sanctions, blockade, the tightening security measures, the separation of communities, including the separation of communities from their farmlands, displacement and insecurity invariably affect all aspects of life and increase the already high dependence on international assistance. The situation became critical with the fuel and electricity crisis impeding basic services and impacting on the water and sewage system. In Gaza, some 85 per cent of the population continues to rely on food aid.

55. The Gaza Strip is currently experiencing blackouts of 6 to 8 hours, five days a week. Public services are severely affected, with regular access to running water for the entire Gaza population limited to 6 to 8 hours from one to four days a week. In addition, approximately 80 million litres of partially treated sewage are being discharged daily into the environment, owing to the high frequency of power cuts and the lack of diesel and spare parts in Gaza.

56. Limited access to services and basic goods were described as major factors of socio-economic deterioration and forced displacement of the Palestinian population in the West Bank. Unemployment in the West Bank is estimated at 26 per cent. The

[26] See A/HRC/10/35.

[27] ICRC: West Bank: illegal settlements cause hardship for Palestinians (an interview with the head of the ICRC office in Hebron since September 2007).

last available data indicate that in 2007 poverty levels in Gaza were estimated at 80 per cent of households, as compared with 45 per cent in the West Bank.[28]

Right to adequate housing

57. The situation affecting the Palestinian right to adequate housing has been described above in paragraphs 42 to 44, noting that the Israeli policy of awarding construction permits or property ownership papers appear to be systematically discriminatory in that Palestinians are frequently refused permits under various justifications. One informed source spoke of instances when a permit for the construction of a house was refused because the land (owned by a Palestinian family) was allegedly located on what was meant to be "a green area", even though there seemed to be very little greenery on the land in question.

58. Reference has been made in this report to many demolitions in East Jerusalem, the areas of the West Bank with increased settlement activity, the areas adjacent to the Dead Sea and other areas where the Israeli authorities may have deemed such measures necessary for security reasons. Since 1967 some 24,000 Palestinian homes have been destroyed for various reasons, including security, illegal construction, urban planning, the wall (either because the houses were on the route of the wall or "too close" to it), and the construction of roads, including roads for use by Palestinians. The destruction of 24,000 homes rendered some 60,000 people homeless.

59. In addition to the displacement owing to housing demolition in the West Bank, including East Jerusalem, the combined report by 10 special rapporteurs noted (A/HRC/10/22), in the section by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, that an estimated 80,000 to 90,000 people were rendered homeless by Operation Cast Lead, and that the massive destruction and damage caused by the Israeli offensive to homes and infrastructure, including roads, water stations and electrical facilities, and the continued restrictions imposed on the urgent transport of reconstruction materials into Gaza could constitute grave violations of the right to adequate housing and are the source of a severe humanitarian crisis.

Right to food

60. In its General Comment 12 of 1999, the Committee on Economic, Social and Cultural Rights defined the right to adequate food as follows: "The Committee affirms that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all".[29]

61. Estimates are that approximately 1.1 million people, or some 75 per cent of the population of Gaza, suffer from food insecurity, up from 56 per cent in the first quarter of 2008. The right to food and food security was particularly affected by the

[28] World Bank Group report, 29 April 2009.

[29] See E/C.12/1999/5.

recent Israeli military operation, during which some 20 per cent of agricultural lands were reported to have been destroyed. This was in addition to the three years of sanctions, which led to rapidly rising inflation in prices of key food items and to an increase in the overall vulnerability of the Gaza population.

62. The Office for the Coordination of Humanitarian Affairs reported a gradual shift in the diet of Gazans from high-cost and protein-rich foods such as fruit, vegetables and animal products, to low-cost and high carbohydrate foods such as cereals, sugar and oil, which can lead to micro-nutrient deficiencies, particularly among children and pregnant women.[30] It is estimated that some 22 per cent of children in Gaza are anaemic.

63. The Special Committee is concerned that the blockade of Gaza, and severe movement controls in the West Bank impede the Palestinian right to adequate food. The Committee reminds Israel of its obligations as an occupying Power, noting in particular the following requirement: "To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate".[31]

Right to water

64. In 2000, the Committee on Economic, Social and Cultural Rights recognized the right to health as an exclusive right that includes not only timely and appropriate health care, but also to factors that determine good health, such as access to safe drinking water and adequate sanitation. Two years later, the Committee expanded its view on the right to water, stating in its General Comment 15 that: "The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival".[32]

65. According to the information made available to the Special Committee, many Palestinian villages suffer from inadequate water supply and have to buy it from Israel or other Palestinian villages. Various reports received by the Committee allege the current distribution ratio to be one cubic metre of water available for a Palestinian and nine for an Israeli household.

66. The dramatic deterioration of the humanitarian situation in the Gaza Strip, including the lack of wastewater treatment plants, has led to wastewater pollution. The deterioration of the water and sewage system has been one of the direct impacts of the import restrictions, the reduction of fuel supplies and the lack of spare parts.

D. Right to work and right to just and favourable conditions of work

67. The recent war and the years of blockade and isolation of Gaza, the occupation and movement control in the West Bank, including East Jerusalem, inevitably infringe on the enjoyment of the Palestinian right to work and the right to just and favourable conditions of work. At the 98th session of the International Labour

[30] Office for the Coordination of Humanitarian Affairs Special Focus Report "Locked In: The humanitarian impact of two years of blockade on the Gaza Strip", August 2009.

[31] Fourth Geneva Convention, article 55.

[32] See E/C.12/2002/11.

Conference in Geneva, the International Labour Organization presented a report on the situation of workers of the occupied Arab territories, including Gaza, the West Bank and occupied Golan, and summarized its findings as follows: "Plans for the reconstruction of Gaza are at standstill, pending minimal progress on negotiations to facilitate access and movement of goods, which in turn depends on a much-needed reconciliation among Palestinian political leaders. The longer the complete closure of Gaza lasts, the more acute the sense of 'collective punishment' of its people — a feeling shared by Palestinians in the occupied Arab territories. In East Jerusalem, the Arab population is subject to increasing pressures on dwellings, habitat, residency rights and, consequently, jobs and livelihoods. East Jerusalem has been basically cut off from its social, economic and political context in the West Bank".[33]

68. The report further acknowledges some improvement in the situation of workers and families in the West Bank owing to slight improvement in security and economic activity, but adds that "this lull has not been able to halt, much less reverse, the decline in average incomes and the grim employment outlook. Closure measures, including the Separation Wall and intensified settlement activity in occupied territory, have kept a tight lid on any economic shoots that might appear".[33]

69. In its 2009 report on the humanitarian impact of two years of blockade on the Gaza Strip, the Office for the Coordination of Humanitarian Affairs noted that the already weakened economy of Gaza has drastically deteriorated during the past two years. According to the Palestinian Central Bureau of Statistics, in the first quarter of 2009, over 140,000 Gazans of work age were unemployed, or 41.5 per cent of the workforce of Gaza, up from 32.3 per cent in the second quarter of 2007. The Office for the Coordination of Humanitarian Affairs has also noted that the official unemployment rate of 60 per cent among those 30 years of age and younger may be even higher, as the Palestinian Central Bureau of Statistics classifies workers who were not formally laid off, but do not work and do not receive salaries as "temporarily absent employees", rather than as "unemployed".[30] The blockade has directly resulted in the closing of 120,000 private sector jobs and the complete shut-down of about 96 per cent of industrial operations, factories and workshops.

E. Right to health

70. The Special Committee is particularly concerned about the health situation in Gaza, noting that the destruction of many existing medical facilities during the Israeli offensive earlier this year compounded by the Israeli blockade and sanctions that allow only a very limited amount of medicine into Gaza is likely to, if it has not already, lead to unprecedented suffering by the population. The Committee therefore calls on Israel to take immediate steps to ease the sanctions against Gaza, and, as a first measure, allow all necessary medical and other shipments into Gaza.

71. For many patients in Gaza, there is no adequate health care, and most are required, but mostly unable, to seek medical help outside of Gaza. In the aftermath of Operation Cast Lead on Gaza, the World Health Organization (WHO) estimated that 48 per cent of the total of 122 health facilities were either damaged or

[33] International Labour Conference, 98th session, report of the Director-General, appendix, *The situation of workers of the occupied Arab territories*, p. iii.

destroyed, with 15 hospitals and 41 primary health-care centres partially damaged, 2 primary health-care centres destroyed and 29 ambulances partially damaged and destroyed.[34] Many health facilities lack basic equipment, such as X-ray machines, and those that are broken cannot be repaired because of the sanctions. In Shifa hospital, the dialysis equipment has been out of order for some time owing to the inability to import necessary spare parts, impacting some 200 children. Health organizations are only given access to Gaza on sporadic and inconsistent basis.

72. The sanctions are affecting the development of medical expertise, as medical professionals are said to be frequently denied permits to leave Gaza to attend professional seminars and courses. Patients requesting medical treatments are denied entry visas into Jerusalem, even when the treatment has been approved in one of Israeli hospitals. The witnesses reported on cases when the patients crossing into Israel were interrogated at checkpoints, being asked to report on Hamas, political leaders, and other issues that made many patients highly uncomfortable. One witness recounted how a relative of his, a cancer patient, died, after being denied a permit to leave following his refusal to submit to questioning concerning the political leadership of Gaza. Health organizations recorded the cases of children being denied entry into Israel to receive medical treatment because their parents or guardians could not obtain the necessary permits. If a patient is a member of Hamas, the permit is normally denied. The aid, according to health organizations, is frequently out of date by the time it reaches Gaza.

73. The Special Committee also heard testimonies on trauma and psychological effects of the war on Palestinians following the Israeli offensive on Gaza, and heard disturbing testimonies collected by Palestinian organizations on the psychosocial problems and post-traumatic syndrome developed by children who had witnessed the killing of their family members and the destruction of their homes.

F. Right to education

74. The right to education in the occupied Palestinian territories continues to be seriously affected by the occupation and its many security measures. Children are frequent victims of violence. They are often required to queue at checkpoints in order to reach the school, they can be arrested, or their teachers, parents or family members can be arrested. All of this affects their rights, including their right to education. The Special Committee was told of a school in the Qalqiliya Governorate, which is surrounded by the wall, and because of its location, the students are subjected to searches every day on the way to and from school. This has allegedly led some of them to drop out of school. In Hebron, with 400 settlers and numerous instances of violence directed at the Palestinians, parents are very concerned about the safety of their children while at school.

75. One of the national organizations recorded that 420 students have been arrested since 2003 and that there are 83 students in Israeli detention. Since all student associations are considered illegal under Israeli law, as many as 43 out of 83 detained students are reported to have been charged with membership in illegal organizations. Both the President and Vice-President of the Birzeit University Student Association were arrested in the course of the last year. Students often are

[34] World Health Organization update: Health situation in Gaza, 4 February 2009.

arrested and held under administrative detention for six months or longer. Under administrative detention, the defendants are not informed of charges against them, and thus are unable to meaningfully defend themselves.

76. Education is also frequently disrupted. Birzeit University was closed 15 times on Israeli military orders — the longest period being 1988-1992, when all 11 Palestinian universities were closed but continued to hold classes informally in community centres and mosques. During the reporting period, the University began to face additional challenges of retaining the students from other parts of the occupied territories, in particular Gaza and the north and south part of the West Bank, who are unable to obtain from Israeli authorities the necessary permits to study at Birzeit University. Palestinian schools and universities recorded a drop of 60 per cent of foreign lecturers in the past year owing to the Israeli policy of denying visas to foreign experts.

G. Right to life

77. The inherent right to life is the most fundamental of all rights and is protected by a number of international legal instruments to which Israel is a party. As occupying Power, Israel has the obligation to ensure the protection of this right in the occupied territories. The Special Committee considers Gaza to be an occupied territory, considering that Israel exercises full and effective control over the territory of Gaza, controls the borders of Gaza, including the maritime and air border, as well as the movement of population and goods in and out of Gaza, controls the infrastructure, including radio and TV frequencies, maintains a presence in the buffer zone inside the border of Gaza, and exercises the right to militarily intervene, as it did in December 2008 and January 2009.

78. Under international law, specifically article 43 of the 1907 Hague Regulations states: "[t]he authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country". Article 46 of the 1907 Hague Regulations also states: "[f]amily honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated".

79. As stated earlier in this report, Israel continues to engage in military activities in Gaza and other occupied territories that inevitably result in casualties among the Palestinian civilian population. The Office for the Coordination of Humanitarian Affairs has recorded that since the end of Operation Cast Lead on 18 January 2009, 38 Palestinians and three Israelis have been killed in Gaza and southern Israel as a result of the hostilities between IDF and Hamas.[22] In Gaza, the United Nations Children's Fund (UNICEF) estimated that children accounted for roughly a third of the dead and wounded resulting from Israeli Operation Cast Lead. According to UNICEF, 431 children were killed and 1,872 children injured, of whom 560 sustained severe injuries that without proper rehabilitation may result in permanent disability.[35]

[35] United Nations Children's Fund, At a glance: Occupied Palestinian Territory.

H. Right to liberty and security of person

80. Israel continues to detain Palestinians under the administrative detention regime that allows military commanders to detain an individual for six months, subject to further approvals and reviews. For reasons of "public security", Israeli authorities may extend the detention for six months, and since Israeli law does not define a maximum period of detention, administrative detainees may, in theory, remain in detention indefinitely.

81. The Special Committee was informed that, currently, there are about 8,400 Palestinians detained in Israeli prisons and detention centres, of whom 61 are women and 431 children. Detainees are held in isolation throughout the interrogation process. According to organizations that provide legal assistance to Palestinian detainees or work to document Israeli detention practices, detention conditions are reported to have a disorienting, isolating and humiliating effect on detainees. Those who are brought before Israeli military courts are reported in some cases to have been brought before a military judge shackled and with their eyes covered. Lacking in such cases awareness that the judge is not an interrogator, this process naturally affects the ability of the accused to exercise his rights as an accused person.

82. The Special Committee is very concerned about reports of ill treatment and physical abuse applied in Israeli detention. In particular, the Committee is concerned that the interrogation and detention of security suspects is designed to humiliate the prisoners and that incommunicado detention may give rise to ill treatment and torture contrary to customary international law and Israel's obligations under international human rights law.

83. As stated earlier in the report, the Special Committee is also concerned about the situation affecting detained Palestinian children and juveniles, and it calls on Israel to respect its obligations under the Convention on the Rights of the Child, which was ratified by Israel in 1991. The Committee heard testimony regarding the detention of children and juveniles on charges of throwing stones at Israeli military personnel and installations, including at the wall. The Committee was presented with testimony on the minors who were shot and wounded by IDF personnel while throwing stones. They were brought to a hospital for treatment and, from there, arrested on charges of disturbing public order. According to one testimony, 40 per cent of the 362 detained children have been charged with throwing stones.

VI. Situation of human rights in the occupied Syrian Golan

84. The Special Committee met a number of witnesses from the occupied Syrian Golan from those who currently reside outside the occupied Golan. The Committee conducted a mission to the Syrian Arab Republic from 11 to 13 August 2009. It visited the Syrian Golan and heard the testimony of six witnesses pertaining to the situation in the occupied Golan. Regrettably, the Committee was unable to visit the occupied Golan as it received no response from the Israeli Government to its request of 4 May 2009 for full access to the occupied territories, and that it be given the opportunity to hold direct consultations with concerned Israeli authorities on the human rights situation in the occupied territories, with a view of drafting an accurate and comprehensive report to submit to the General Assembly.

A. Past legacy

85. The Syrian Golan was occupied by Israel during the 1967 Arab-Israeli conflict. In 1981, Israel passed the Golan Heights Law, which extended Israeli law and administration and thus annexed the entire Israeli controlled territory of Golan. Israel therefore considers the Golan an annexed and not an occupied territory, a claim that is not recognized by the Security Council or the Syrian Arab Republic.

86. The Security Council, in its resolution 497 (1981), decided that the Israeli decision to impose its laws, jurisdiction and administration in the Syrian Golan was null and void. The General Assembly, in its resolution 63/99 of 5 December 2008, recalled resolution 497 (1981) and called upon Israel to comply with the relevant resolutions on the occupied Syrian Golan, in particular resolution 497 (1981).

B. Human rights situation in the occupied Syrian Golan

87. In 2009, the Human Rights Council adopted two resolutions relevant for the situation in the occupied Golan. Its resolution 10/17, of 26 March 2009, reaffirms the illegality of Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan, and reaffirms the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law. In the resolution the Council also notes with deep concern "the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/63/401), in which the Committee referred to the grave deterioration of the human rights situation in the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee".

88. On the same day, the Human Rights Council adopted another resolution on the Israeli settlements in the occupied Palestinian territory, including East Jerusalem and in the occupied Syrian Golan — resolution 10/18 — calling on Israel to assume all responsibilities under international law, in particular, the Fourth Geneva Convention and Additional Protocol I to the Geneva Conventions of 12 August 1949. The resolution reminded Israel that the transfer by the occupying Power of parts of its own population into the territory it occupied constituted a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Convention of 12 August 1949.

89. The Special Committee heard testimony regarding the planned expansion of Israeli Jewish settlements in the Golan that currently comprise about 20,000 settlers living in 33 settlements that were built on the ruins of Syrian villages and towns.[36] Prior to the occupation of 1967, the population of Golan was 138,000 people in over 312 towns and villages. With the start of the occupation, 131,000 people were

[36] In its most recent report on the situation of workers of the occupied Arab territories, the International Labour Organization reported that on July 2007, the number of Israeli settlers was 17,300 (see International Labour Conference, 98th session, report of the Director-General, appendix: The situation of workers of the occupied Arab territories).

reported to have fled to the Syrian Arab Republic.[37] Today, there are only five Syrian villages with a total population of 20,000 in the northern Golan.

90. The Special Committee was informed that the number of settlers may continue to increase as a result of a policy that aims to attract at least 100 new Israeli Jewish settlers each year. To that end, Israeli authorities are reportedly building new infrastructure and factories and creating various other economic opportunities. Today, the economy in the Golan is reported to be dominated by Jewish settlers whose products, such as beef, apples, cherries, mineral water and wine, allegedly cover significant portion of the Israeli consumption needs. Approximately, 20 per cent of the Golan settlers' produce is exported to 20 countries, including the United States of America, Canada, Australia, European countries and others.

91. The Special Committee was also alerted of the situation concerning water distribution in the occupied Golan, where, according to witnesses, settlers receive unlimited quantities at a minimal cost, while the Arab farmers are charged double for a limited quantity of water made available to them. The Arab farmers reportedly receive one tenth of the water amount available to the settlers.

92. The Special Committee remains concerned about the civil and political rights of the Syrian and other Arab populations in the Golan. The Syrian Ministry of Foreign Affairs notified the Committee of a case of alleged house arrest imposed on a two-year-old child, Fahid Lu'ay Shuqeir, on the grounds that he was born outside occupied Golan, while his parents were studying in the Syrian Arab Republic. The Committee was informed, on a different occasion, that the child was, following a court petition by a human rights organization, granted the right to register as a resident of the village of Majdal Shams, after the initial refusal by the Israeli Ministry of the Interior. According to the information provided by the Syrian Ministry of Foreign Affairs, there are currently 10 Syrian detainees in Israeli prisons; one detainee was reportedly released the day of the visit of the Committee to the Syrian Arab Republic. The Ministry officials expressed concerns that the detainees may not receive adequate medical care, and are detained in contravention to international law and standard minimum rules for the treatment of prisoners.

93. The Special Committee also heard the testimony pertaining to the pressure on the Syrian residents of the occupied Golan and the difficulties faced by the Arab Golan residents to find adequate employment. It was informed of measures following a strike in protest of the Israeli annexation of the Syrian Golan in 1981, in which a number of Syrians lost their jobs and have been unable to regain any meaningful employment since. Referring to the right to livelihood by the Syrian Arabs in the occupied Golan, the annual report of the International Labour Organization noted that: "The Syrian citizens living in the occupied Syrian Golan face serious obstacles in pursuing their livelihoods and occupations. Having traditionally relied on agricultural activities, particularly fruit cultivation, they are severely constrained by Israeli measures and policies restricting their access to land and water. Discriminatory water quotas and tariff schemes favour Israeli settlers."[38] Moreover, the report noted that "[t]he Syrian citizens of the occupied Syrian Golan suffer from a lack of employment opportunities in their communities, with no prospects for economic development for the region. For many, employment in

[37] Some 2,000 displaced Syrians sought refuge and remain in the village of Mas'ada after their village was destroyed.

Israel, primarily in the construction sector, remains the only option. [...] The absence of employment opportunities in the occupied Syrian Golan particularly affects women, whose occupations and regional mobility is especially restricted."[16]

94. The Syrian Ministry of Foreign Affairs further noted in its report to the Special Committee concerns regarding the imposition of an Israeli curriculum on Arab schools, as well as the lack of investment in Arab educational facilities leading to chronic overcrowding and the dilapidated state of its institutions. The Ministry officials also informed the Committee of the mine fields that continue to limit the movement of many Syrian citizens in the occupied territory and cause numerous casualties, including among children.

95. The Special Committee is also very concerned about the adverse effects on many separated families, who shared some of their distress with the Committee members during the field mission. It is grateful to the Syrian Ministry of Foreign Affairs for facilitating its access to the Syrian Golan, where the Committee gained a better understanding of how the families communicate with the help of megaphones across the mined separation line.

96. Finally, the Special Committee is concerned about the lack of access to the occupied Golan by the United Nations committees and agencies, as well as other relevant organizations, and calls on Israel to immediately reverse its policy of denying access. In the view of the Special Committee, it is in the interest of all Member States, including Israel, to cooperate fully with the United Nations and its bodies.

VII. Conclusions and recommendations

A. Conclusions

97. **The Special Committee has once again tried to comply with its mandate by collecting testimonies from relevant Palestinian, Israeli and Syrian witnesses, United Nations agencies and experts, and government officials. It has also collected and reviewed numerous relevant documents and maps, including many reports by the High Commissioner for Human Rights and the United Nations Secretary-General to the General Assembly and the Human Rights Council, weekly and other regular reports issued by the Office for the Coordination of Humanitarian Affairs in the occupied territories, experts' reports by the International Labour Organization, United Nations Children's Fund, Amnesty International, Human Rights Watch and many others. While these reports, and many excellent reports by Palestinian and Israeli national organizations, were of immense assistance in the research of the Committee, it is, nonetheless, essential that the Committee be given full and unimpeded access to the occupied territories in order to be able to provide a thorough and balanced account of the human rights situation in the occupied territories.**

98. **In this report, the Special Committee outlined some of its key findings pertaining to the civil, political, economic and cultural rights of the Palestinians and other Arabs under the Israeli occupation, as well as the obligations of Israel in its capacity as occupying Power. The Committee notes that Israel continues to engage in practices and policies that are discriminatory against the**

Palestinian and Arab populations, and that such conduct contravenes Israel's obligations under international human rights and humanitarian laws.

99. **The Special Committee is extremely concerned that, in the absence of viable peace plans, the current situation will lead to increased hardship for the Palestinian people brought about by the ongoing construction of the wall, increased movement controls, isolation, and the application of the arbitrary policy in granting residence permits and entry visas, as well as the continuing siege of Gaza. The Committee considers Israeli actions as "collective punishment" and notes that such action is prohibited. The Committee is further of the view that it is in the interest of all parties to the conflict, including Israel, to ensure that their conduct promotes and respects all human rights and the rule of law and does not create conditions that encourage more violence and aggression. The Committee also calls on Israel to comply with the resolutions of the General Assembly and the Human Rights Council, in addition to the advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory rendered by the International Court of Justice in July 2004.**

100. **The Special Committee is similarly concerned that the present situation in the Gaza Strip has reached the level of a humanitarian catastrophe, particularly in terms of the inadequate availability of medicine and medical treatment and construction and building materials. It is imperative that Israel immediately open the borders to all humanitarian assistance and immediately cease its policy of "collective punishment" of the entire population of Gaza, which has impacted adversely the more vulnerable and those with special needs, such as children, expectant mothers, the elderly and the sick.**

101. **Finally, the Special Committee reiterates that Israel's policy of annexation of parts of the West Bank, including East Jerusalem, and of the Syrian Golan are in contravention of its obligations as the occupying Power under the Hague Convention concerning the Laws and Customs of War on Land and its annexed Regulations respecting the Laws and Customs of War on Land (Hague Regulations) of 18 October 1907; the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; article 75 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol I), and rules of customary international law. Israel and the international community, as Member States of the United Nations and as States parties to core international human rights treaties, have an obligation to ensure the realization of the human rights of the Palestinian people, including the population of Gaza, not as a matter of humanitarian charity, but as a matter of Palestinian rights and corresponding obligations by all concerned.**

B. Recommendations

102. **The Special Committee wishes to make the following recommendations:**

(a) The General Assembly should:

(i) Consider all means at its disposal to enable the Special Committee to fulfil its responsibilities under the mandate set out in resolution

2443 (XXIII) and all subsequent resolutions, including the access to the territories occupied by Israel since 1967;

(ii) Urge the Security Council to ensure the implementation of the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, in which the Assembly requested Israel to comply with its legal obligation to cease the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem; to dismantle the segments of the wall already built; to repeal all legislative and regulatory acts adopted in view of the construction of the wall; and to make reparation for the damage arising from the construction of the wall;

(iii) Urge the Security Council and Member States to enforce Security Council resolution 497 (1981) and similar relevant resolutions on the status of the occupied territories, including the occupied Syrian Golan, that declared the annexation of the occupied territories illegal;

(iv) Urge the Member States of the United Nations to implement the recommendations of the Special Committee, and intensify diplomatic efforts including the imposition of appropriate sanctions to enforce Israel's compliance with relevant United Nations resolutions, particularly Security Council resolutions, and international humanitarian and human rights law;

(v) Call for heightened and concerted international efforts to ensure the unimpeded flow of humanitarian assistance, particularly food, medicines, and construction materials to the besieged population of Gaza;

(vi) Request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure respect for the Convention by Israel. A meeting of the High Contracting Parties to that effect should be convened urgently;

(b) The Government of Israel should:

(i) Recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and the occupied Syrian Golan and distinguish in all circumstances between military objectives and civilian persons and objects;

(ii) Ensure respect for international law and the principle of appropriate use of means and methods of warfare, and cease its policies of excessive use of force and extrajudicial killings of Palestinians, as well as the destruction of land, civilian and public property, houses and infrastructure;

(iii) Stop its policies of confiscating Palestinian land and of expanding Jewish settlements in the Occupied Palestinian Territory, which are contrary to international law and which threaten the contiguity of Palestinian lands, and ensure that Israeli forces protect Palestinian civilians and their property against violence by Israeli settlers, by carrying out prompt and thorough investigations and bringing to justice those deemed responsible;

(iv) **Restore freedom of movement for Palestinians throughout the Occupied Palestinian Territory by lifting closures, checkpoints, roadblocks and other obstacles to movement, and stop building roads accessible only to Israeli settlers and preventing access by Palestinians, in particular women and children, to their fields, schools, places of work, hospitals and other health-care facilities, as well as the passage of ambulances;**

(v) **End the closure and collective punishment of the people of Gaza, and take urgent steps to end the current man-made crisis and the suffering of the people of Gaza and deprivation of all their rights;**

(vi) **Cease construction of the wall in the Occupied Palestinian Territory, which hampers the achievement of a just and sustainable peace between Israel and the future Palestinian State, and comply fully with the provisions of the advisory opinion of the International Court of Justice and all provisions of General Assembly resolution ES-10/15;**

(vii) **Guarantee to those arrested a fair trial and detention conditions in accordance with the International Covenant on Civil and Political Rights, with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the Fourth Geneva Convention;**

(viii) **Urgently comply with resolution 497 (1981), which annuls the Israeli decision on the annexation of the occupied Syrian Golan, implement its obligations set forth in the road map and withdraw its military presence in the Occupied Palestinian Territory and its occupation of the Syrian Golan;**

(ix) **Implement the concluding observations and recommendations of United Nations treaty bodies and special procedures mechanisms, and implement the recommendations of the High Commissioner for Human Rights to the Human Rights Council;**

(x) **Establish an independent and transparent system of accountability that ensures prompt and impartial investigations, that perpetrators are brought to justice and that victims enjoy the right to an effective remedy;**

(c) **The Palestinian Authority should:**

(i) **Abide by the relevant provisions of human rights law and international humanitarian law;**

(ii) **Aim to resolve the urgent human rights and humanitarian crisis currently facing the Occupied Palestinian Territory, and to fully restore the rule of law in areas under its control.**

103. **The Special Committee urges concerned civil society groups and diplomatic, academic and research institutions to use their goodwill and influence to make widely known, by all available means, the current human rights and humanitarian situation in the occupied territories, including in the occupied Syrian Golan. The Special Committee commends and encourages the efforts of Israeli non-governmental organizations made on behalf of Palestinian human rights, and considers that the work of these organizations should receive greater recognition from Israeli civil society and relevant Israeli institutions.**

104. **All Governments concerned are urged to comply fully with article 1 of the Fourth Geneva Convention and with the international obligations outlined in the advisory opinion of the International Court of Justice of July 2004 and General Assembly resolution ES-10/15.**

United Nations A/64/340

General Assembly

Distr.: General
8 September 2009

Original: English

Sixty-fourth session
Item 33 of the provisional agenda* ·
Report of the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories

Report of the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 63/95, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;
>
> "2. *Reiterates its demand* that Israel, the occupying Power, cooperate, in accordance with its obligations as a State Member of the United Nations, with the Special Committee in implementing its mandate;
>
> "3. *Deplores* those policies and practices of Israel that violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the report of the Special Committee covering the reporting period;
>
> "4. *Expresses grave concern* about the critical situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of unlawful Israeli practices and measures, and especially condemns all illegal Israeli settlement activities and the construction of the wall, as well as the excessive and indiscriminate use of force against the civilian population, including extrajudicial executions;

* A/64/150.

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"5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

"6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem;

"7. *Further requests* the Special Committee to continue to investigate the treatment of the thousands of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

"8. *Requests* the Secretary-General:

(*a*) To provide the Special Committee with all necessary facilities, including those required for its visits to the occupied territories, so that it may investigate Israeli policies and practices referred to in the present resolution;

(*b*) To continue to make available such staff as may be necessary to assist the Special Committee in the performance of its tasks;

(*c*) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(*d*) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(*e*) To report to the General Assembly at its sixty-third session on the tasks entrusted to him in the present resolution;

"9. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories."

2. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, in preparation for its field mission, addressed a letter dated 4 May 2009 to the Permanent Representative of Israel to the United Nations Office at Geneva, requesting full access to the occupied territories in order to fulfil the responsibilities entrusted to it by the General Assembly in resolution 63/95. The Special Committee received no response from the Israeli authorities.

3. The Special Committee was supported by various United Nations agencies during the implementation of its mandate, specifically the Office of the United

Nations High Commissioner for Human Rights (OHCHR) and the offices of the United Nations Resident Coordinators in Egypt, Jordan and the Syrian Arab Republic in the organization of the mission and by offering in situ support.

4. The Special Committee carried out its field mission to Egypt, Jordan and the Syrian Arab Republic from 3 to 13 August 2009. In the three countries, the Special Committee met with 33 witnesses, including representatives of Palestinian, Israeli and Syrian non-governmental organizations (NGOs) from the occupied territories, Israel and the Syrian Arab Republic.

5. Pursuant to paragraph 8 (d) of resolution 63/95, the following activities were undertaken.

Department of Public Information

6. The Department of Public Information disseminated information on the work of the Special Committee during the period from August 2008 to July 2009, using various means at its disposal.

7. Through its range of news and media products, the Department ensured that information on the Special Committee's work and findings was made available to global audiences in the six official languages of the United Nations, either through direct distribution or through its broadcast partners.

8. United Nations Radio covered the activities of the Special Committee, including its visits to Egypt, Jordan and the Syrian Arab Republic, and reported on the statements issued by the Committee following its mission to the Middle East.

9. On the Internet, the coverage by the United Nations News Centre, one of the most heavily visited pages on the Organization's website, continued to highlight a wide range of issues related to the situation in the Middle East and the human rights of the Palestinian people. Similarly, United Nations Television, including through its UNifeed and webcast operations, and United Nations Photo, focused on the subject, ensuring broad distribution of multimedia products to a global audience.

10. The Department also ensured that web pages on the question of Palestine were updated and maintained in the six official languages on the United Nations website (www.un.org) on its "Global Issues" page, with links to other related pages, including the database of the United Nations Information System on the Question of Palestine (UNISPAL).

11. The 2006 issue of the *Yearbook of the United Nations*, which was released in 2009, covered the activities of the Special Committee in its chapter dedicated to the Middle East. During the reporting period, iSeek, the Secretariat's global internal communications platform, posted stories on the work and safety of staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

12. The Dag Hammarskjöld Library continued working in cooperation with the Division for Palestinian Rights to digitize older United Nations documents for posting on the Official Document System and on UNISPAL.

13. The report of the Special Committee was distributed to Government officials, media, NGOs and educational institutions by the network of United Nations information centres. The United Nations information centre in Cairo arranged a

press conference and television interviews for the members of the Committee. The United Nations Information Service at the United Nations Office at Geneva served as media liaison for the Human Rights Council, which tackled the question of human rights in the Occupied Palestinian Territory during the period under review.

14. The Department organized a training programme for 10 young Palestinian journalists at the United Nations office in Washington, D.C. and the United Nations Office at Geneva from 27 October to 5 December 2008. The programme, which was aimed at print-media professionals, included important briefings on human rights, such as the work of OHCHR, the role of the Special Rapporteurs and coverage of the work of the General Assembly and the Human Rights Council relating to human rights issues of the Palestinians and other Arabs of the Occupied Territories. Preparations for the 2009 training programme, which is to take place from 2 November to 11 December 2009, are under way.

15. A booklet on "The Question of Palestine and the United Nations" (DPI/2499), which was issued in all six official languages in 2008, is available on the UNISPAL database on the United Nations website. It provides a historical narrative of the Palestinian people since the United Nations partition plan in 1947, including socio-economic conditions, humanitarian challenges, human rights issues and political developments.

16. During the reporting period, more than 300,000 visitors viewed the permanent exhibit, "The Question of Palestine and the United Nations", which was located on the guided tour route at United Nations Headquarters. Another exhibit, "The Palestinians — 60 Years of Struggle and Enduring Hope", displayed at Headquarters in November and December 2008, portrayed Palestinian life through the use of powerful photographic images. The photos were taken as part of a project aimed at empowering young Palestinian photographers through training in photography and film-making.

17. In addition, the Public Inquiries Unit of the Department distributed more than 1,000 copies of the pamphlet "The Question of Palestine and the United Nations" to visitors in the six official languages.

18. The travelling version of "The Question of Palestine and the United Nations" exhibit, which addressed the issue of human rights in the Occupied Palestinian Territory, was produced in Arabic, English and Spanish. The Spanish version was exhibited at the United Nations Latin American and Caribbean Meeting in Support of Israeli-Palestinian Peace and at the United Nations Public Forum in Support of Israeli-Palestinian Peace, both held in Santiago, from 11 to 13 December 2008.

19. The publication, *The United Nations Today*, available in English, French and Spanish, included a review of United Nations action in the Middle East, including participation in the ongoing peace process, humanitarian assistance to Palestinian refugees, advocacy for the needs of the Palestinian people and support for their human rights.

United Nations A/64/341–S/2009/444

General Assembly
Security Council

Distr.: General
8 September 2009

Original: English

General Assembly
Sixty-fourth session
Item 10 of the provisional agenda*
Report of the Peacebuilding Commission

Security Council
Sixty-fourth year

Report of the Peacebuilding Commission on its third session

I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 60/180 and Security Council resolution 1645 (2005), in which the Peacebuilding Commission was requested to submit an annual report to the General Assembly for an annual debate and review. The report will also be submitted to the Security Council, pursuant to its resolution 1646 (2005), for an annual debate. The report reviews the work of the Peacebuilding Commission during its third session, from 23 June 2008 to 30 June 2009.

II. Work of the Commission

2. The end of the second session marked the expiration of the terms of membership of 24 out of 31 members of the Organizational Committee of the Peacebuilding Commission. In the absence of agreement among the members of the General Assembly and the Economic and Social Council on the regional distribution of seats, the election of their respective members to the Organizational Committee, as well as the confirmation of members selected by the group of top providers of military and police personnel on the Organizational Committee, was postponed. Consequently, the terms of membership of the incumbent members from the aforementioned categories and the terms of office of the Chairperson, Yukio Takasu (Japan), and the Chairs of the various configurations were extended until the two organs were able to elect their respective members.

3. On 18 December 2008, and following an agreement reached among Member States and their respective regional groups on the distribution of seats until 31 December 2010, the General Assembly adopted resolution 63/145, establishing that, beginning with the sixty-third session of the Assembly, the term of office for elected members of the General Assembly to the Organizational Committee shall

* A/64/150.

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begin on 1 January. The resolution invited all other bodies with members on the Organizational Committee of the Peacebuilding Commission to adjust the term of office of their respective members accordingly.

4. On 7 January 2009, the Commission elected its new Chairperson, Heraldo Muñoz (Chile), and Vice-Chairperson,[1] Park In-kook (Republic of Korea). The Burundi, Central African Republic, Guinea-Bissau and Sierra Leone configurations were chaired by Anders Lidén (Sweden), Jan Grauls (Belgium), Maria Luiza R. Viotti (Brazil) and Frank Majoor (Netherlands), respectively. The Working Group on Lessons Learned was chaired by Carmen Gallardo Hernández (El Salvador).

5. On 25 February and 29 June 2009, on the basis of consultations with the Governments of Sierra Leone and Burundi, the Organizational Committee elected the Permanent Representative of Canada as the new Chair of the Sierra Leone configuration and the Permanent Representative of Switzerland as the new Chair of the Burundi configuration. The election of the new Chairs of the Sierra Leone and the Burundi configurations followed the resignations of the Permanent Representatives of the Netherlands and Sweden.

6. The various configurations of the Peacebuilding Commission met regularly and addressed issues pertaining to their respective areas of competence.

A. Organizational Committee

7. During the third session, the Organizational Committee held on average one monthly informal meeting to address organizational and substantive matters. Formal meetings were convened only as necessary. The monthly meetings of the Chairs of the Commission configurations contributed to developing the agenda of meetings of the Organizational Committee and, in general, the Commission work programme. In particular, the meetings of the Organizational Committee provided an opportunity for the members to interact with the Peacebuilding Support Office and to contribute to the drafting process of the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304), as requested by the Security Council in its presidential statement of 20 May 2008 (S/PRST/2008/16). The Organizational Committee addressed that issue on five occasions during the period 15 September 2008 to 27 May 2009.

8. In addition, on 6 and 7 February 2009, the Organizational Committee convened its second annual informal retreat at the ambassadorial level, at which it focused on the value added and visibility of the Commission in the countries on its agenda; improving the Commission working methods; and building and strengthening partnerships. The Deputy Secretary-General inaugurated the retreat with a keynote address.

9. The Chairperson also undertook a number of activities on behalf of the members of the Organizational Committee, on which he reported regularly to the Organizational Committee and received feedback and suggestions from the membership.

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[1] The position of the second Vice-Chairperson was allocated to the Group of African States. At the time of issuance of the present report on 30 July 2009, the Group of African States had not submitted a nomination for this position.

Interaction with the United Nations principal organs

10. The Chairperson maintained regular and direct contacts with the Presidents of the General Assembly, the Security Council and the Economic and Social Council, with a view to enhancing mutual cooperation in the work and activities of the Commission and the principal organs.

11. On 9 and 21 October 2008, the Chairperson addressed the General Assembly and the Security Council, respectively, on the occasions of the annual debates held by the two organs on the report of the Commission on its second session (A/63/92-S/2008/417). The two debates offered an opportunity for the Commission to seek the views of the broader membership of the United Nations on matters of direct relevance to its work. The majority of the Member States viewed the progress achieved during the first two years of the Commission's operations as positive and promising, while pointing to the need to focus on country-specific tangible results as the Commission further developed its engagement with the countries on its agenda.

12. On 31 March 2009, the Chairperson represented the Commission at a high-level panel discussion dedicated to health challenges in crisis and post-crisis situations, which was organized by the Economic and Social Council. On 27 May, he hosted a working luncheon for the Chairs and the representatives of the permanent members of the Security Council.

Public awareness and visibility of the work of the Peacebuilding Commission

13. During the reporting period, the Chairperson also participated in several public events related to peacebuilding and to the work of the Commission, organized by a range of existing and potential actors, stakeholders and partners. On 25 August 2008, he was invited to make a presentation on the theme "Peacebuilding in Africa" in the European Forum Alpbach, Austria. On 10 September, the Chairperson was invited to participate as a panellist in the working luncheon on the theme "Addressing gaps in early recovery: Peacebuilding Commission perspective on next steps", which was organized by the Quaker United Nations Office and the Friedrich Ebert Stiftung office in New York. On 18 November, he was also invited to address the informal breakfast discussion at the United Nations Peace Consolidation Benchmarking Experts Workshop. On 24 November, the Chairperson made a presentation at the University for Peace in Costa Rica. On 12 December, he addressed the inaugural session of the conference on the theme "Media and communications in peacebuilding", which was organized by the Department of Public Information of the United Nations Secretariat.

14. On 27 and 28 March 2009, the Chairperson participated in a summit of progressive leaders, held at Viña del Mar, Chile. He also participated in several academic seminars and meetings with a view to raising awareness about the Commission. Among those were seminars on rule of law (New York, 21 April 2009) and on "Peacebuilding: the role of diasporas" (28-29 April 2009); as well as the sixth meeting of the Friends of Human Security (4 June 2009); the Stanley Foundation's informal retreat on the theme "Peacebuilding following conflict" (19-21 June 2009); and the luncheon on post-conflict peacebuilding organized by the International Peace Institute and the Permanent Mission of Uganda (30 June 2009).

15. The participation of the Chairperson in those public events was part of a broader outreach and advocacy strategy aimed at raising the profile and increasing the visibility of the Commission in different quarters and enhancing awareness about its work. Members of the Organizational Committee also organized events relating to the work of the Commission, including a round table hosted on 10 and 11 December 2008 by the International Development Research Centre, Ottawa, on augmenting input from the South into peacebuilding theory and practice.

16. Furthermore, the Chairperson held a meeting and made further contacts with artist and pro-peace activist Yoko Ono (3 March) and with other philanthropists in order to seek their contribution to the work of the Commission and to the Peacebuilding Fund. The Chairperson also launched discussion among the members of the Organizational Committee on the creation of a group of friends of peacebuilding.

Relationship with the United Nations system, agencies, funds and programmes, regional and subregional organizations, and international financial institutions

17. In line with the Commission's role in improving the coordination of all relevant actors involved in peacebuilding efforts, especially within the United Nations system, regional and subregional organizations and international financial institutions, various activities were undertaken in order to strengthen the relationship between the Commission and those actors.

18. On 22 October 2008, the Chairperson, accompanied by the Chairs of country-specific configurations, met with the Administrator of the United Nations Development Programme (UNDP) to confirm the importance that the Commission attached to enhancing cooperation with UNDP at the country level, in countries on the agenda of the Commission. On 29 October 2008, the Associate Administrator of UNDP addressed a meeting of the Organizational Committee on the role of UNDP in supporting programmes for employment generation and private sector development in countries emerging from conflict. The presentation by the senior UNDP official and the following interactive dialogue with the members of the Organizational Committee confirmed the importance of strengthening partnership and coherence with UNDP and other relevant United Nations funds, agencies and programmes in addressing the most critical peacebuilding priorities and activities for the countries on the Commission agenda.

19. On 19 November 2008, the Organizational Committee convened a follow-up meeting with a view to further examining a comprehensive approach to employment and income generation, as well as private sector development in post-conflict countries. Representatives of the United National Capital Development Fund at UNDP, the United Nations Industrial Development Organization (UNIDO) and the World Bank were invited to introduce concrete lessons from the field in post-conflict countries and to analyse the most effective policy tools leading to sustained employment generation and private sector development. On 7 January 2009, the Organizational Committee took note of the Chairperson's outcome of discussions from those meetings.

20. On 14 and 31 October 2008, the Chairperson and the President of the World Bank exchanged letters containing, inter alia, their respective views on the nexus between security and development as it related to the transition from conflict to peace. On 18 March 2009, the Organizational Committee convened an interactive

dialogue with the representatives of the European Community, the International Monetary Fund (IMF) and the World Bank on the impact of the global economic and financial crisis on countries emerging from conflict, with special emphasis on countries placed on the Commission agenda. On the same day, the Chairperson met with the Senior Vice-President of External Affairs of the World Bank on the cooperation between the World Bank and the Commission, within the framework of the cooperation agreement signed between the World Bank and the United Nations.

21. On 24 March 2009, during a visit to the headquarters of IMF and the World Bank in Washington, D.C., the Chairperson reflected to the authorities of those institutions the concerns expressed by the members of the Organizational Committee regarding the implications for the post-conflict countries of the current economic and financial crisis. Furthermore, during the same visit the Commission's keen interest in continuing to strengthen the evolving partnership with IMF and the World Bank was confirmed.

22. In addition and as part of the Commission strategy to strengthen its outreach to regional organizations, the Chairperson visited the headquarters of the Organization of American States in Washington, D.C. and met with its Secretary General.

23. The Chairperson also met with the Head of the United Nations Liaison Office with the African Union and later received an open invitation from the African Union Commission to meet with its authorities at its headquarters before the end of 2009.

24. On 4 and 5 May 2009, the Chairperson visited the headquarters of the European Commission and the Council of the European Union in Brussels, where he exchanged views with senior European officials and advocated for the continued engagement of the European Community in the work of the Peacebuilding Commission in the countries on its agenda.

25. On 19 June, the Chairperson chaired a panel on the theme "Peacebuilding in the aftermath of conflict" in an annual event entitled "Special Representatives of the Secretary-General and Member States: towards an interactive dialogue".

26. Furthermore, during the first half of 2009, the Chairperson held bilateral meetings with high-level officials dealing with peacebuilding from several Member States.

Consideration of broad strategy on implementing core mandates of the Peacebuilding Commission

27. The Organizational Committee continued to address possible approaches to enhancing its capacity to implement its core mandates and adapt to prevailing global realities and evolving approaches to critical peacebuilding priorities.

28. On 18 March 2009, the Organizational Committee convened a discussion on enhancing the capacity of the Peacebuilding Commission to fulfil its resource mobilization mandate. The discussion confirmed the need for the Commission to continue to enhance its capacity to engage traditional and non-traditional partners in order to address critical resource gaps in the countries on its agenda. In particular, the discussion underlined the importance of engaging the private sector and foundations as potential partners in channelling technical and financial resources to countries on the Commission agenda, in particular for employment and income generation. Furthermore, the discussion reiterated the need for the Commission to

build partnerships and to intensify its advocacy and awareness-raising activities with key partners, as well as its direct resource mobilization support for countries on its agenda.

29. On 29 April 2009, in connection with the mandate of the Peacebuilding Commission to improve coordination of all peacebuilding actors, the Organizational Committee held a discussion on the United Nations rule of law coordination strategy, with particular emphasis on the implications for countries on the Commission agenda. The Organizational Committee was briefed by the Director of the Rule of Law Unit, who underlined possible areas in which the evolving coordination strategy would contribute to the coherence and effectiveness of the Commission's advice on peacebuilding activities related to rule of law.

Procedure and working methods

30. The Organizational Committee continued to adopt and devise flexible practices on procedural matters that were not originally addressed in its provisional rules of procedure or its working methods, including the adoption of a new approach to meeting management in order to streamline its work under a predictable and stable workplan, while at the same time ensuring the allocation of the requisite resources to facilitate the conduct of its meetings. It also continued to take a number of organizational decisions through the silence procedure.

31. In the context of its annual retreat, the Organizational Committee addressed the connection between the Commission working methods and the ability to further enhance its value added and effectiveness. The Organizational Committee recognized the need to continue to introduce improvements in the working methods that did not necessarily require new mandates, such as modified approaches to the purpose and scope of integrated peacebuilding strategies, strengthening and diversifying the approach to resource mobilization, calibrating response to emerging situations in the field and harmonizing the work of the various configurations. In the course of various meetings, the Organizational Committee also discussed areas of improvements that might be addressed in the context of the upcoming mandated review in 2010, such as the nature and scope of its advisory role and the establishment of its agenda.

B. Burundi configuration

32. During the reporting period, there were a number of crucial developments in Burundi's peace process and peacebuilding efforts. In its third year of engagement with Burundi, the Commission focused on supporting those efforts, with particular emphasis on ensuring the durability of the peace gains and making such gains amenable to the country's socio-economic development needs.

33. From 21 to 23 October 2008, the Chair of the country configuration undertook a mission to Burundi in order to discuss with stakeholders the opportunities for and challenges of mutual engagements in the peacebuilding process. On the basis of the Chair's mission and consultations, the Burundi configuration adopted a workplan focusing on three main issues: (a) support to the peace process, notably on disarmament, demobilization and reintegration of Parti pour la libération du peuple Hutu-Forces Nationales de Libération (Palipehutu-FNL); (b) assistance to Burundi in creating an environment conducive to free, fair and transparent national elections

in 2010; and (c) support to refugees and land issues and socio-economic reintegration of ex-combatants. In addition, the Peacebuilding Commission agreed to attach priority to two strategic issues: (a) improving the impact of the Commission on the ground, including through effective coordination of its members present in Burundi; and (b) efficient communication on the Strategic Framework for Peacebuilding in Burundi and its relationship with other complementary tools, such as support from the Peacebuilding Fund and the Burundi Poverty Reduction Strategy Paper.

34. On 10 December 2008, the Chair of the Burundi configuration briefed the Security Council on the Commission's engagement with the country, reiterating the priority plans for its support to the country. On 12 December 2008, the Burundi configuration addressed the developments in the peace process with the participation of the Facilitator of the Burundi peace process, Charles Nqakula. The Facilitator briefed the members on the outcome of the Summit of Heads of State and Government of the Great Lakes region, which took place on 4 December 2008, and on the challenges relating to disarmament, demobilization and reintegration and the political integration of Palipehutu-FNL. Following his briefing, the members of the configuration confirmed their support to the efforts aimed at addressing those challenges and their readiness to contribute to the funding for disarmament, demobilization and reintegration. The Commission adopted the conclusions of the Burundi configuration (PBC/3/BDI/1) calling for urgent international support for disarmament, demobilization and reintegration and requesting, inter alia, that the Government develop a longer-term strategy for sustainable socio-economic reintegration of ex-combatants, return refugees and internally displaced persons.

35. In the light of the developments in the peace process, the Chair was invited to the meeting of the Group of Special Envoys for Burundi, which took place on 16 and 17 January 2009 in Bujumbura. The Envoys issued a declaration expressing support to the peace process and calling on the parties to fulfil their respective commitments made in the Bujumbura Declaration. The commencement of the disarmament, demobilization and reintegration process on 16 March 2009 was an important development supported by the African Union Special Task Force, with funding from the Peacebuilding Fund and contributions of several members of the Commission. On 18 April 2009, the leader of Forces Nationales de Libération (FNL),[2] Agathon Rwasa, laid down his arms thereby effecting the separation of the movement's security arm and the registration of FNL as a political party.

36. On 4 February 2009, the Burundi configuration held the second biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi. The review was led by the Government of Burundi and conducted on the basis of a consultative process involving a broad range of stakeholders in Burundi, including civil society, political parties and international stakeholders. Participants in the review agreed that a number of positive steps had been taken towards the full implementation of the Strategic Framework, including in the areas of implementation of the Comprehensive Ceasefire Agreement and the Bujumbura Summit Declaration; the efforts to professionalize the defence and security corps;

[2] The Palipehutu-FNL changed its name to Forces Nationales de Libération (FNL) in complying with the Bujumbura Summit Declaration and in conforming to Burundi's constitutional provisions for the registration of political parties (for example, prohibition of ethnocentric names).

the preparations for the national transitional justice consultations; and the involvement of women and youth in peace consolidation efforts. However, the review also noted a number of important remaining challenges that required attention and support from the Commission. Those challenges included outstanding elements of the peace process, the institutionalization of the political dialogue among stakeholders and the preparations for the forthcoming national elections, the consolidation of good governance and the efforts to strengthen rule of law and human rights, and the regularization of monitoring and reporting against established benchmarks. The Government of Burundi also urged the international community to deliver on the commitments made during the May 2007 donor round table. On 6 February 2009, the Commission adopted the conclusions of the second biannual review (PBC/3/BDI/3).

37. From 25 to 27 May 2009, the Chair undertook a visit to Burundi in order to follow up on progress and mutual commitments made in the implementation of the Strategic Framework. He concluded that the peacebuilding process in Burundi had entered a new phase following significant developments in the peace process. He noted, however, that the completion of the disarmament, demobilization and reintegration process and the preparation of a long-term socio-economic reintegration strategy would require attention and support from the Commission and that continued leadership of the Regional Initiative for Burundi in the Partnership for Peace in Burundi to monitor progress and provide the support required would be critical for the success of the peace process. He also noted that the national elections scheduled for 2010 presented an important opportunity to further consolidate peace and democracy in Burundi.

C. Sierra Leone configuration

38. During its third year of engagement with Sierra Leone, the Peacebuilding Commission focused on three primary objectives: (a) maintaining attention and reviewing progress in peacebuilding efforts; (b) broadening the donor base and enhancing the coherence of international assistance; and (c) supporting new or improving existing activities in peacebuilding priority areas. The Commission also provided advice to the Security Council on the establishment of a fully integrated office, the United Nations Integrated Peacebuilding Office in Sierra Leone, in October 2008.

39. In order to monitor progress in the implementation of the Peacebuilding Cooperation Framework, adopted by the Peacebuilding Commission and the Government of Sierra Leone in December 2007, the Commission held formal review meetings in June and December 2008. Those meetings were informed by progress reports developed jointly by the Government of Sierra Leone and its international partners. The meetings highlighted achievements to date and identified remaining challenges under each peacebuilding priority area. The recommendations and conclusions emanating from the meetings were transmitted to all relevant stakeholders in Sierra Leone, the principal organs of the United Nations and all international partners.

40. In addition to formal six-monthly review meetings, the Chair of the Sierra Leone configuration convened strategic consultations with the representatives of the private sector, philanthropic foundations and international financial institutions in

order to mobilize additional support for peace consolidation efforts in Sierra Leone. The Chair's meetings with the representatives of IMF and the World Bank, in particular, reaffirmed the need for enhanced collaboration between the Commission and those institutions in preparation for the November 2009 Consultative Group meeting on Sierra Leone. The meetings also highlighted the negative impact of the global economic crisis on Sierra Leone and underscored the importance of continued resource mobilization efforts by the Peacebuilding Commission.

41. In the Chair's statement issued on 6 April 2009, the Commission welcomed the adoption of the Sierra Leone political parties' joint communiqué. The joint communiqué had been developed through an inter-party dialogue convened in response to incidents of political violence in Sierra Leone in March 2009. The Commission commended the Government and the opposition leaders on overcoming their differences and reaching agreement on a number of critical issues, including the role of the ruling and opposition parties, the setting up of mechanisms to investigate the March violence, and the strengthening of important democratic institutions, in particular the Parliament, the Political Parties Registration Commission, and the Independent Media Commission. The Commission also welcomed the contribution of international partners, particularly by the United Nations Integrated Peacebuilding Office in Sierra Leone, in facilitating the inter-party dialogue and the adoption of the joint communiqué. Stressing the importance of timely follow-up to the agreements of the joint communiqué, the Commission called on all international partners to provide the needed financial and technical support.

42. As a follow-up to the adoption of the joint communiqué, the Chair of the Sierra Leone configuration undertook a fact-finding mission to the country from 20 to 24 April 2009. During the visit the Chair held consultations with top Government officials, including the President, several cabinet ministers, leaders of the opposition parties, and representatives of the international community, the United Nations and civil society. The findings of the visit highlighted that Sierra Leone continued to make progress towards peace consolidation. However, the country's impressive democratic and peacebuilding gains were still fragile and required sustained international support. High levels of youth unemployment, widespread corruption, and the growing threat of illicit drug trafficking all raised the risk of relapse into conflict. Additional efforts were also needed to consolidate reforms in the justice and security sectors.

43. The Chair's visit also provided an opportunity to prepare for the Commission High-level Special Session on Sierra Leone, held in New York on 10 June 2009. The Special Session brought together senior representatives of Member States, the United Nations, the private sector and civil society. The primary objectives of the Special Session were: (a) to provide political support for the implementation of the political parties' joint communiqué; (b) to endorse the Agenda for Change of the Government of Sierra Leone as the core strategy guiding all future national and international development efforts; (c) to support the United Nations joint vision for Sierra Leone as an innovative approach to peacebuilding and mobilize financial resources for its implementation; and (d) to enhance the coordination and coherence of international support to Sierra Leone's peace consolidation efforts in line with the joint communiqué and the Agenda for Change and in advance of the forthcoming Consultative Group meeting on Sierra Leone.

44. The Special Session adopted an outcome document (PBC/3/SLE/6), which established the basis for a new and lighter form of engagement with Sierra Leone, and which aligned the Commission's work with the peacebuilding priorities identified in the Agenda for Change, namely good governance and the rule of law, and combating illicit drug trafficking and youth unemployment. The Commission further decided to advocate for greater subregional cooperation, as well as the promotion of gender and human rights, in peacebuilding activities. The Commission agreed to hold six-monthly review meetings to monitor progress in the peacebuilding priorities of the Agenda for Change, focus the attention of the international community on priorities requiring additional action, provide recommendations to all relevant actors on ways to overcome emerging challenges, and mobilize additional support for the Agenda for Change. The first review meeting would take place in December 2009.

D. Guinea-Bissau configuration

45. In the latter part of the first year of its engagement with Guinea-Bissau, the Commission focused on the finalization of the Strategic Framework for Peacebuilding in Guinea-Bissau and supporting the organization of legislative elections. In preparation of the Strategic Framework, the Guinea-Bissau configuration held three informal meetings and one formal meeting. The meetings provided the national and international counterparts an opportunity to contribute to the drafting of the document and ensured the full participation of key stakeholders in the process. On 31 July 2008, the Commission informally adopted the Strategic Framework subject to final review by the Government of Guinea-Bissau.

46. Following the change of Government in Guinea-Bissau in early August, the Chairperson of the Guinea-Bissau configuration visited the country from 10 to 12 September 2008 and met with the key national stakeholders. The fact-finding visit aimed at gaining first-hand experience in connection with the political developments in the country and exploring options for the continued engagement of the Peacebuilding Commission. During the Chairperson's interaction in Guinea-Bissau, all national stakeholders reiterated their commitment to the peacebuilding process in the country and considered the adoption of the Strategic Framework a priority. The Commission had agreed on the conclusions and recommendations of the Peacebuilding Commission on the situation in Guinea-Bissau (PBC/3/GNB/1).

47. On 1 October 2008, the Peacebuilding Commission and the Government of Guinea-Bissau formally adopted the Strategic Framework for Peacebuilding in Guinea-Bissau (PBC/3/GNB/3). The Minister of Defence, Marciano Barbeiro, speaking on behalf of the Government by video link from Guinea-Bissau, stated that the Government and people of Guinea-Bissau were ready to assume responsibility for the implementation of the Strategic Framework. As agreed within the Framework, the cooperation of Guinea-Bissau with the Commission was based on national ownership, mutual accountability and inclusiveness. All stakeholders highlighted the importance of timely and effective implementation of the Framework, and stressed the significance of the legislative elections scheduled for 16 November 2008 for the consolidation of peace in Guinea-Bissau.

48. Following the adoption of the Strategic Framework, the work and engagement of the Commission focused on supporting the organization of the elections. Those

efforts resulted in securing funding for the elections in due time. As part of the advocacy role of the Commission, on 21 November 2008, the Guinea-Bissau configuration and the Sierra Leone configuration organized a high-level briefing by the Executive Director of the United Nations Office on Drugs and Crime, Antonio Maria Costa, on the theme "Drug trafficking as a security threat in West Africa".

49. On 26 November 2008, following an armed attack against the residence of President João Bernardo Vieira shortly after the announcement of the results of the legislative elections, the Guinea-Bissau configuration condemned the use of violence and adopted the conclusions and recommendations of the Peacebuilding Commission on the current situation in Guinea-Bissau (PBC/3/GNB/4). While welcoming the successful organization of the elections on 16 November and the high level of participation of Bissau-Guineans, the Commission expressed its concern over the incident, stressing the need to ensure full respect for the results of the elections and the rule of law.

50. On 4 March 2009, following the assassinations of President João Bernardo Vieira and Chief of General Staff Tagme Na Waie, the Chair of the Guinea-Bissau configuration issued a statement (PBC/3/GNB/5), joining the Secretary-General and the President of the Security Council in condemning the assassinations and expressing her concern over the incidents. In the statement, the Chair reiterated the Peacebuilding Commission's continued support for peacebuilding in Guinea-Bissau, underlining the importance for all stakeholders to maintain their commitments to the peace consolidation process.

51. In addition to advocacy and resource mobilization, the Guinea-Bissau configuration focused on security sector reform. On 25 March 2009, the Guinea-Bissau configuration held an informal meeting, connecting with the Government of Guinea-Bissau via video link. The Government was represented by the Minister of Defence, Artur Silva, who gave a presentation of the current political situation and developments in the security sector. On 15 April 2009, the configuration convened an informal meeting on security sector reform in order to highlight ongoing initiatives and review gaps and areas for coordination and collaboration among the various actors, as part of the preparation for a conference on security sector reform in Guinea-Bissau to be held in Praia, Cape Verde.

52. From 16 to 18 April 2009, the Chairperson of the Guinea-Bissau configuration visited the country for the first time since the swearing in of the new Government and met with interim President Raimundo Pereira, the members of the Government, the Chief of General Staff and the National Steering Committee for Peacebuilding. On 20 April 2009, the Chair represented the Peacebuilding Commission at the round table on the restructuring and modernization of the defence and security sector in Guinea-Bissau, organized in Praia. The round table identified key constraints, and short-term actions in the security sector reform process in Guinea-Bissau. On 11 May 2009, the Chairperson presented her findings from that visit in an informal meeting of the Guinea-Bissau configuration. The meeting was also apprised of the recommendations of the Integrated Task Force Technical Assessment Mission that visited Guinea-Bissau from 21 to 30 April 2009, and was briefed by IMF and the World Bank on their engagement with the country.

53. On 16 June 2009, shortly following the assassinations of Baciro Dabó, former Minister and a candidate in the presidential elections, and Helder Proença, former Minister and Member of Parliament, the Guinea-Bissau configuration issued a

statement (PBC/3/GNB/6) strongly condemning the killings and reiterating the continued support of the members of the configuration towards the consolidation of peace in the country. On 22 June 2009, the configuration convened an informal meeting to hear a briefing from the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on his recent visit to Guinea-Bissau. The meeting also was briefed by the Representative of the Secretary-General in Guinea-Bissau, Joseph Mutaboba, on the political developments in the country. Based on those discussions, the Chairperson briefed the Security Council on the way forward and the areas in which the Commission could provide possible support to Guinea-Bissau in close consultation with national and international partners, such as national reconciliation, security sector reform, youth employment and the fight against illicit drug trafficking.

E. Central African Republic configuration

54. Upon the initiative of the President of the Republic, and in a letter dated 6 March 2008, the Minister for Foreign Affairs, Regional Integration and Francophonie of the Central African Republic requested the Chairperson of the Peacebuilding Commission to place the Central African Republic on its agenda. The letter was forwarded to the Security Council on 10 April 2008.

55. On 30 May 2008, the President of the Security Council addressed the Chairperson of the Commission, requesting that the Central African Republic be placed on the Commission agenda and provide advice and recommendations to the Security Council on the situation in the country in the following areas: (a) establishment and conduct of an inclusive political dialogue; (b) action by the national authorities and support from the international community to develop an effective, accountable and sustainable national security sector system; and (c) restoration of the rule of law, including respect for human rights, and good governance in all regions of the country. On 12 June 2008, the Organizational Committee decided to place the Central African Republic on the agenda of the Peacebuilding Commission. The Permanent Representative of Belgium to the United Nations, Ambassador Jan Grauls, was elected as Chair of the Commission's Central African Republic configuration.

56. In July 2008, the Chair of the Central African Republic configuration conducted an exploratory mission to Bangui, with a view to establishing initial contacts with national authorities and other relevant stakeholders on the ground, including the international community, civil society, the United Nations Peacebuilding Support Office in the Central African Republic and the United Nations country team.

57. On 8 October 2008, the Central African Republic configuration held its second formal meeting, at which the Minister of State for Planning, the Economy and International Cooperation of the Central African Republic, Sylvain Maliko, addressed the Commission and laid out his country's priorities for peacebuilding as follows: (a) reform of the security sector, including disarmament, demobilization and reintegration; (b) good governance and the rule of law; and (c) socio-economic advancement through implementation of development hubs. Those priorities were later endorsed by the Commission as the country's priorities for peacebuilding. The Commission identified the successful conclusion of the inclusive political dialogue

(which took place later, in December 2008 in Bangui) and the implementation of its recommendations as a cross-cutting priority. The Commission agreed that progress in all three priorities, in the context of achievements in the implementation of the conclusions of the inclusive political dialogue, was paramount for peace consolidation in the country.

58. From 30 October to 6 November 2008, a delegation representing the Peacebuilding Commission and led by the Chair of the Central African Republic configuration undertook a field visit to the country. The delegation met with Government representatives at all levels and political parties of the majority and of the democratic opposition; civil society, including the private sector; the diplomatic community; and the United Nations country team. The delegation also travelled to Paoua, Guinea-Bissau, a city that exemplified some of the key peacebuilding challenges facing the country.

59. From 22 January to 5 February 2009, a delegation from the Peacebuilding Support Office visited the country to facilitate inclusive consultations among all national and international stakeholders in preparation for the development of the country's strategy document. On 6 May 2009, following the successful completion of the consultative process, including a number of informal consultations of the Central African Republic configuration in New York, the Peacebuilding Commission adopted the Strategic Framework for Peacebuilding in the Central African Republic (PBC/3/CAF/7).

60. Following the formal adoption of the Strategic Framework for Peacebuilding in the Central African Republic, the Chair of the Central African Republic configuration undertook a mission to Bangui to present the Strategic Framework document to all national stakeholders, including Government officials, members of Parliament, the international community, civil society, representatives of the United Nations system and the press, with a view to further strengthening national ownership of the strategy and officially begin its implementation.

61. The Chair of the Central African Republic configuration also directed his effort at: (a) increasing and sustaining the attention of the international community to the situation in the Central African Republic; (b) mobilizing resources for the implementation of the country's Strategic Framework for Peacebuilding; and (c) supporting the coordination among stakeholders. Over the reporting period, the Chair also focused his efforts on sensitization and resource mobilization and, therefore, paid a number of visits to the European Commission and the Belgium Ministry of Foreign Affairs, Foreign Trade and Development Cooperation in Brussels, the World Bank and the Department of State in Washington, D.C., the French Ministry of Foreign Affairs and the Organisation internationale de la Francophonie in Paris, and the Italian Ministry of Foreign Affairs and several international non-governmental organizations in Rome. Particular attention was given to disarmament, demobilization and reintegration, including through resource mobilization efforts, awareness-raising activities and participation in various coordination mechanisms on disarmament, demobilization and reintegration.

62. The Central African Republic also benefited from two allocations from the Peacebuilding Fund. The first allocation was made under the Fund's emergency window to support the inclusive political dialogue. A second allocation of $10 million was made through the Fund's second window, out of which $4 million was made available to launch the country's disarmament, demobilization and

reintegration programme. The Central African Monetary and Economic Community had pledged $16 million for disarmament, demobilization and reintegration, of which the Government had received $10 million.

F. Working Group on Lessons Learned

63. During the reporting period, the Working Group on Lessons Learned continued to provide an informal platform for the Peacebuilding Commission to draw on the expertise of practitioners from within and outside the United Nations system, as well as from countries with certain experience in post-conflict peacebuilding, on critical peacebuilding priorities in the countries on the Commission agenda. The Working Group also continued to be guided by the specific recommendations made by Member States during its special session of 12 June 2008, in particular by strengthening the links with the work of the Commission configurations, the United Nations system and the larger peacebuilding community.

64. During the third session of the Commission, the Working Group held five meetings between 20 October 2008 and 28 May 2009, on lessons and good practices associated with: (a) the role of the United Nations in rule of law assistance; (b) regional approaches to disarmament, demobilization and reintegration in the Great Lakes region of Africa; (c) the development of national capacity after conflict; (d) the coordination of the Peacebuilding Commission with regional and subregional organizations; and (e) sustainable community-based reintegration in post-conflict situations.

65. The Chair of the Working Group focused her summaries of those meetings on the key lessons shared by the experts on the respective issues and the possible linkages with the work of the country configurations. The summaries were widely disseminated to the United Nations peacebuilding community, including through the Commission website, the Peacebuilding Community of Practice and the Peacebuilding Initiative of the Program on Humanitarian Policy and Conflict Research. Future summaries would also include more direct recommendations with even greater relevance to country-specific configurations.

III. Peacebuilding Fund

66. To date, all four countries on the agenda of the Peacebuilding Commission had received funding totalling $86 million, or 62 per cent of the allocated funds. The country configurations played increasingly important roles in providing strategic advice and guidance on priority-setting for overall peacebuilding funding and on the application of the Fund. An additional five countries had been declared eligible for the Peacebuilding Fund country programme (Comoros, Côte d'Ivoire, Guinea, Liberia and Nepal) and received a total of $45 million. In response to imminent threats to the peace process, additional funding for emergency projects, in the total amount of $8.4 million, was approved for projects in seven countries, namely Burundi, the Central African Republic, Côte d'Ivoire, Guinea, Haiti, Liberia and Kenya. Most recently, the Secretary-General had declared the Democratic Republic of the Congo eligible for funding. The Peacebuilding Fund also collaborated with 15 in-country United Nations recipient organizations that managed the projects with the support of local implementing partners.

67. In addition to its regular briefings to the Fund donors, the Peacebuilding Support Office provided quarterly briefings to the Organizational Committee on global and country-specific activities and operations of the Fund during the respective briefing periods.

68. On the basis of operational experience and growing recognition of the potential of the Peacebuilding Fund in providing support for the peacebuilding process, there was room to further enhance the effectiveness and the catalytic impact of the Fund. To that end and on the basis of the earlier intention of the Secretary-General, the Peacebuilding Support Office, as fund manager, had commissioned an independent evaluation of the Fund undertaken by the Office of Internal Oversight Services (OIOS) in 2008. The OIOS evaluation concluded that the Fund had potential to fill a unique peacebuilding niche in the post-conflict arena. The evaluation also identified a series of management and operational challenges that required the attention of the Peacebuilding Support Office to ensure full implementation of the Fund's mandate.

69. In December 2008, in compliance with the terms of reference of the Peacebuilding Fund (A/60/984, annex), the Peacebuilding Support Office initiated a consultative process leading to the revision of the terms of reference of the Fund. The revised terms of reference, which were guided by the experience of the Fund in the four countries on the Commission's agenda, emphasized key principles for the Fund's operations, namely transparency, flexibility, operational speed, accountability, catalytic effect, effectiveness, needs-based allocation and national ownership.

70. On 17 June 2009, the General Assembly adopted resolution 63/282, in which it noted that the broad objectives of the revision of the terms of reference for the Peacebuilding Fund were to enhance the capacity of the Fund to serve as a flexible, responsive and focused resource for peacebuilding support and to enhance and maximize the synergy between the Peacebuilding Commission and the Fund. The resolution also affirmed the respective roles of the General Assembly, the Commission and the independent Advisory Group to provide policy guidance on the use of the Fund to maximize its impact and improve its functioning. In order to operationalize the revised terms of reference, guidelines were being prepared by the Peacebuilding Support Office in close collaboration with an inter-agency task force.

71. It was expected that once operationalized, the revised terms of reference would allow the Fund to improve its efficiency, responsiveness and effectiveness in order to ensure that post-conflict countries benefited from the sustained attention and support of the international community.

IV. Observations and the way forward

72. The Commission has gained valuable experience through its engagement with the countries on its agenda. That experience will continue to inform the future work of the Commission, its interpretation of its advisory role and the implementation of its mandates in the countries on its agenda. The Commission's continuous engagement, through the Organizational Committee and its other configurations, with a wide range of partners, both within and beyond the United Nations system, has helped in maximizing the Commission's outreach and has fostered a greater understanding of the work of the Commission among its partners. Those

partnerships would add to the Commission's repertoire of knowledge and expertise, which would further facilitate the discharge of its mandate.

A. Coordination, coherence and partnerships

73. The United Nations is a key actor, but not the only one, engaged in post conflict peacebuilding. The United Nations has political legitimacy and the capacity to convene others, but it should strengthen coordination and cohesion with the multiple regional and international actors involved in peacebuilding. The Commission recognizes that planning and coordination is first and foremost a Government responsibility and requires the development of national capacities, with sustained support from regional and international actors. The Commission has continued to promote and support the need for effective coordination and coherence in order to maximize the impact of all peacebuilding efforts and help channel resources to critical peacebuilding priorities and to support related national capacities. The Commission has also continued to work towards building and strengthening partnerships, at the headquarters and country levels within the United Nations system, and with bilateral and multilateral partners, including donors, international financial institutions and regional and subregional organizations. The Commission will also encourage closer cooperation with complementary regional processes, including the African peer review of the New Partnership for Africa's Development mechanism. There has been progress in coordinating support to countries on the Commission agenda, and strengthened links with the World Bank are encouraging. However, additional efforts are still required to ensure that such links translate into effective collaboration, particularly at the country level.

74. In considering its experience, the Commission has noted that the existence of a single national peacebuilding strategy, which has been developed through a consultative process among all relevant partners at the country level, significantly helps facilitate coordination efforts. This is fully consistent with the Commission commitment to the core principles of national ownership, mutual accountability and sustained partnership. The Commission appreciates that the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304) has underlined these principles. The Commission will encourage further progress in aligning international support behind the common strategic and integrated framework for peacebuilding. National, regional and international partners need to be fully engaged in the development, monitoring and implementation of the common strategic framework for peacebuilding at the country level if a country is to have access to and make the most efficient use of the support it needs for peacebuilding.

75. The Commission will continue to work in close collaboration with the international financial institutions in order to ensure that the work of the United Nations system and the international financial institutions is undertaken within a shared strategic approach in countries on the Commission agenda, particularly in the areas of strengthening the functions of the State and the promotion of economic recovery. It will also continue to explore ways for creating greater synergy between its work and that of the various regional and international organizations involved in post conflict peacebuilding efforts.

B. Evolving engagement with countries on the agenda

76. Drawing on the lessons learned from its first three years, the Commission has recognized that its value added will be further enhanced through focused and demand-driven engagement with national actors, which would lead to sustained attention to the critical peacebuilding priorities and the promotion of an integrated approach to peacebuilding in the various phases of the post-conflict response of the United Nations.

77. The Commission has started discussions on how it can build on or make use of existing in-country assessments, strategy-setting processes and plans in countries on its agenda in order to ensure that peacebuilding priorities receive focused attention and support without generating high transaction costs for the national partners. In that regard, the Commission will continue to advocate for early and inclusive national-level engagement in post-conflict needs assessment.

78. The Commission has also begun to explore the possibility of diversifying the forms of its engagement with countries on its agenda, including through a possible multitiered approach. In that regard, advice could be provided on specific peacebuilding priorities on the basis of lessons drawn from the experience of other countries, and by mobilizing the contribution of experts, practitioners and national stakeholders who are engaged in peacebuilding efforts. The Commission will also continue to explore ways to simplify processes and streamline planning, monitoring and reporting tools, while maintaining their robustness. The Commission will also continue to work towards forging closer links between headquarters and the country concerned in taking forward key priorities.

C. Resource mobilization

79. The Commission recognizes that rapid and flexible funding, aligned to an agreed and prioritized strategy, is critical for successful peacebuilding. The Commission remains convinced that funding for peacebuilding should be viewed as an early investment in sustainable peace and development and, therefore, may require greater risk-taking than normal development funding.

80. The Commission has continued to address the challenges associated with the mobilization of predictable and sustained resources in order to address funding gaps for critical peacebuilding priorities in countries on its agenda, including through advocacy at headquarters and in capitals. At the same time, the Commission is exploring ways of engaging non-traditional partners, the diaspora, private foundations and the private sector in order to supplement the flow of official development assistance (ODA), and in particular to foster employment creation and economic recovery and growth. The Commission will continue to work towards broadening the base of countries willing to contribute financial and technical resources to countries on its agenda. In that regard, the Commission recognizes the need to encourage trilateral and South-South cooperation in critical peacebuilding areas identified by the countries concerned.

81. While the Peacebuilding Fund may provide only a limited share of the required financial resources for peacebuilding, it can play a critical role by becoming faster and more flexible and accepting a degree of risk. Therefore, the Commission will continue to support targeted Peacebuilding Fund disbursements of a catalytic nature

for key peacebuilding priorities identified by the countries on its agenda. In that regard, the Commission will continue to utilize the evolving capacity of the Peacebuilding Support Office to identify critical resource gaps for peacebuilding and will encourage the United Nations and the international financial institutions to develop coordinated measures to build national capacities for aid management and coordination as an integral element of a peacebuilding strategy.

D. Communications, outreach and greater visibility

82. The Commission notes the limited awareness about and some lack of understanding of its role, the evolving concept of peacebuilding and how the international community can best support peacebuilding, especially in the countries on its agenda. Even where there is some understanding about the role of the Commission, there is little awareness and much confusion about its role and links with the Peacebuilding Fund. This lack of understanding pertains equally to the capitals of its own members, the country-level actors and the populations in the countries concerned. This needs to be addressed if there is to be sustained and increased support for peacebuilding.

83. The Commission has recognized the need to further develop and adapt its outreach and advocacy activities through a number of communications means. This could include field visits (ideally coinciding with the biannual reviews), which could be used to promote the engagement of all stakeholders and for raising awareness of, and mobilizing support for, the peacebuilding process in the countries on its agenda. Moreover, the Commission has decided to explore outreach initiatives, such as the appointment of goodwill ambassadors, the establishment of a group of friends for peacebuilding and the convening of an annual high-level peacebuilding forum. The Commission would also encourage targeted outreach activities by its Chairs, members and the senior-most United Nations representatives in the field in support of the critical peacebuilding priorities.

84. The Commission will develop a targeted communications strategy that is flexible and adaptable in order to address the various actors and partners, such as national stakeholders, bilateral and institutional donors, regional actors and practitioners. This strategy, which should complement existing country-specific strategies, should also aim to build a strategic partnership with international and national media, encouraging them to take a focused approach to peacebuilding, thus helping to increase public understanding of both the challenges and successes of peacebuilding.

V. Conclusions

85. During the past three years, the Commission has consolidated its core advisory role and demonstrated increasing support for the countries on its agenda.

86. The Commission played an important advisory role in the development of the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304) and will continue to pursue the agenda outlined therein. The Commission welcomes the report and will support the implementation of its recommendations on strengthening the United Nations leadership in, and

coherent and integrated response to, post-conflict situations, enhancing financing for peacebuilding and building national capacities. The Commission will also consider engaging in the envisaged review to be undertaken to analyse how the United Nations and the international community can help to broaden and deepen the pool of civilian experts and volunteers for peacebuilding, giving particular attention to mobilizing more capacities from developing countries, especially women.

87. The envisaged review in 2010 of the founding resolutions of the Commission will provide a prime opportunity to further build on the experience it has gained and further enhance its support to countries emerging from conflict.

88. In this context, the role of the Organizational Committee needs to be reassessed, given the need for overall strategic vision and guidance for the work of the Commission.

Annex I

Membership of the Organizational Committee and its Burundi, Central African Republic, Guinea-Bissau and Sierra Leone configurations

Organizational Committee

1 January 2009-31 December 2010[a]

Algeria
Bangladesh
Benin
Burkina Faso
Canada
Chile
China
El Salvador
France
Georgia
Germany
Guinea-Bissau
India
Jamaica
Japan
Luxembourg
Mexico
Morocco
Nepal
Netherlands
Nigeria
Pakistan
Poland
Republic of Korea
Russian Federation
South Africa
Sweden
Thailand
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

Additional members of the Burundi configuration (in accordance with paragraph 7 of General Assembly resolution 60/180 and Security Council resolution 1645 (2005))

Belgium
Burundi
Croatia
Democratic Republic of the Congo

[a] Some terms of membership will expire prior to 31 December 2010 subject to the duration of membership or in accordance with special arrangements previously agreed upon by the organs/groups from which membership is drawn.

Denmark

Egypt

Kenya

Norway

Rwanda

Switzerland (Chair of the configuration)[b]

Uganda

United Republic of Tanzania

African Development Bank

African Union

East African Economic Community

Economic Commission for Africa

Economic Community of Central African States

Executive Representative of the Secretary-General

Inter-Parliamentary Union

Organisation internationale de la Francophonie

International Conference on the Great Lakes Region

Special Representative of the Secretary-General for the Great Lakes Region

Additional members of the Central African Republic configuration (in accordance with paragraph 7 of General Assembly resolution 60/180 and Security Council resolution 1645 (2005))

Angola

Belgium (Chair of the configuration)

Cameroon

Central African Republic

Chad

Congo

Democratic Republic of the Congo

Gabon

Libyan Arab Jamahiriya

Special Representative of the Secretary-General

United Nations Development Programme

[b] Beginning on 1 July 2009 and following the resignation of the Permanent Representative of Sweden.

African Development Bank

African Union

Communauté économique et monétaire de l'Afrique centrale

Economic Community of Central African States

Economic Commission for Africa

Organisation internationale de la Francophonie

Additional members of the Guinea-Bissau configuration (in accordance with paragraph 7 of General Assembly resolution 60/180 and Security Council resolution 1645 (2005))

Angola

Brazil (Chair of the configuration)

Cape Verde

Gambia

Ghana

Guinea

Guinea-Bissau

Italy

Mozambique

Niger

Portugal

Sao Tome and Principe

Senegal

Spain

Timor-Leste

African Development Bank

African Union

Community of Portuguese-speaking Countries

Economic Community of West African States

Organisation internationale de la Francophonie

Representative of the Secretary-General

Union économique et monétaire ouest africaine

United Nations Development Programme

United Nations Office on Drugs and Crime

Additional members of the Sierra Leone configuration (in accordance with paragraph 7 of General Assembly resolution 60/180 and Security Council resolution 1645 (2005))[c]

Austria

Brazil

Egypt

Ghana

Guinea

Ireland

Italy

Liberia

Portugal

Sierra Leone

African Development Bank

African Union

Central Bank of West African States

Commonwealth

Economic Commission for Africa

Economic Community of West African States

Executive Representative of the Secretary-General

International Organization for Migration

Mano River Union

Special Representative of the Secretary-General for West Africa

United Nations Office on Drugs and Crime

Participants in all meetings of the Peacebuilding Commission (in accordance with paragraph 9 of General Assembly resolution 60/180 and Security Council resolution 1645 (2005))

International Monetary Fund

World Bank

European Community

Organization of the Islamic Conference

[c] The Permanent Representative of Canada is chairing the configuration, beginning on 25 February 2009, and following the resignation of the Permanent Representative of the Netherlands.

Annex II

Chronology of the work of the Organizational Committee

Formal meetings

2008

23 June

Election of the Chairperson and other officers

2009

7 January

Employment and income-generation and private sector development in post-conflict countries; election of the Chairperson and other officers

25 February

Election of officers

29 June

Election of officers

Informal meetings

2008

15 September

Programme of work and way forward; quarterly briefing on the Peacebuilding Fund operations

29 October

Enhancing cooperation with UNDP

19 November

Employment/income generation and private sector development in post-conflict countries: case studies and their core elements; briefing on the preparation for the review of the terms of reference of the Peacebuilding Fund; briefing on the preparation of the report of the Secretary-General on post-conflict peacebuilding and early recovery

17 December

Preparation for the review of the terms of reference of the Peacebuilding Fund; preparation of the report of the Secretary-General on post-conflict peacebuilding and early recovery; quarterly briefing on Peacebuilding Fund operations

2009

25 February

Follow-up to the Peacebuilding Commission retreat of 6 and 7 February 2009; update on the preparations for the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict

18 March

Implications of the global financial crisis for countries emerging from conflict; capacity of the Peacebuilding Commission to fulfil its resource mobilization mandate

29 April

Briefing by the Director of the Rule of Law Unit on United Nations rule of law assistance and coordination strategy in Peacebuilding Commission countries; initiatives aimed at enhancing the visibility of the Peacebuilding Commission and resource mobilization efforts; annual reporting cycle of the Peacebuilding Commission; quarterly briefing on operations of the Peacebuilding Fund

27 May

Update by the Peacebuilding Support Office on the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict

29 June

Election of the Permanent Representative of Switzerland as the new Chair of the Burundi configuration

Annex III

Chronology of the work of the Burundi configuration

Informal meetings

2008

12 December

Discussions on the developments in the peace process with the participation of Charles Nqakula, Facilitator of the Burundi peace process. The conclusions of the Burundi configuration (PBC/3/BDI/1) called for urgent international support for disarmament, demobilization and reintegration and recommended that the Government develop a longer-term strategy for the sustainable socio-economic reintegration of ex-combatants and internally displaced persons

2009

4 February

Second biannual review of the Strategic Framework for Peacebuilding in Burundi

19 March

Update on the latest developments in Burundi; key priorities for the next three months; follow-up to the biannual review of the Strategic Framework

15 April

Update on the disarmament, demobilization and reintegration process in Burundi; preparation of the thematic meeting on elections; update on the Partners Coordination Group

20 May

Preparations for the visit of the Chair to Burundi (26-28 May 2009); thematic meeting on elections

18 June

Briefing on the visit of the Chair to Burundi of 26-28 May 2009; preparations for the third biannual review of the Strategic Framework for Peacebuilding in Burundi

Annex IV

Chronology of the work of the Central African Republic configuration

Formal meetings[a]

2008

2 July

Brief on the Chair's upcoming exploratory mission and discussion on the calendar of work

8 October

Presentation by the Government of the Central African Republic on challenges and priorities for peacebuilding in the country

2009

6 May

Formal adoption of the Strategic Framework for Peacebuilding in the Central African Republic (PBC/3/CAF/7)

Informal meetings

2008

10 September

Briefing by the Chairperson on his exploratory mission to Bangui; presentation by the Peacebuilding Support Office of a background paper on the situation in the Central African Republic

22 October

Thematic discussion on (a) security sector reform; and (b) good governance and the rule of law; discussion on the preparations for the upcoming field visit to the Central African Republic

10 December

Discussion on the report of the mission of the Peacebuilding Commission to the Central African Republic; thematic discussion on the establishment of development hubs

[a] The agenda and summary record of formal meetings are available on the website of the Commission (www.un.org/peace/peacebuilding).

2009

7 January

Presentation and discussion of the Peacebuilding Support Office document on mapping of resources and gaps; discussion on the draft outline of the strategic framework for peacebuilding in the Central African Republic

18 February

Presentation of the country's draft strategic framework for peacebuilding by a representative of the Government of the Central African Republic.

11 March

Discussion with outgoing Special Representative of the Secretary-General for the Central African Republic, François Lonseny Fall

23 March

Informal adoption of the Strategic Framework for Peacebuilding in the Central African Republic

17 June

Briefing by the Chairperson on his mission to the Central African Republic; discussion with the incoming Special Representative of the Secretary-General in the Central African Republic, Sahle-Work Zewde

Annex V

Chronology of the work of the Guinea-Bissau configuration

Formal meetings

2008

1 October

Adoption of the Strategic Framework for Peacebuilding in Guinea-Bissau

Informal meetings

2008

30 June

Thematic discussion of the issue of energy in Guinea-Bissau

3 September

Update on the political situation in Guinea-Bissau; discussion on the finalization of the Strategic Framework for Peacebuilding in Guinea-Bissau

17 September

Briefing on the Chair's visit to Guinea-Bissau

21 November

High-level briefing on drug trafficking as a security threat in West Africa, by the Executive Director of the United Nations Office on Drugs and Crime

2009

25 March

Discussion on recent political developments in the country; preparations for the presidential elections; developments in security sector reform

9 April

A briefing from the Representative of the Secretary-General in Guinea-Bissau

15 April

Discussion on security sector reform in Guinea-Bissau

11 May

Briefing on the Chair's visit to Guinea-Bissau and her participation in the Praia conference on security sector reform in Guinea-Bissau

22 June

Briefing by the Under-Secretary-General for Political Affairs on his visit to the country; briefing by the Representative of the Secretary-General in Guinea-Bissau

Annex VI

Chronology of the work of the Sierra Leone configuration

Formal meetings

2008

15 December

Biannual review of the Peacebuilding Cooperation Framework

2009

10 June

High-level Special Session on Sierra Leone

Informal meetings

2008

21 November

High-level briefing on drug trafficking as a security threat in West Africa by the Executive Director of the United Nations Office on Drugs and Crime

2009

29 April

Briefing on the Chair's visit to Sierra Leone

Annex VII

Chronology of the work of the Working Group on Lessons Learned

2008

20 October

The role of the United Nations in rule of law assistance

24 November

Regional approaches to disarmament, demobilization and reintegration in the Great Lakes region of Africa

15 December

Development of national capacity after conflict

2009

30 March

Collaboration and coordination between the Peacebuilding Commission and regional and subregional organizations

28 May

Sustainable community-based reintegration in post-conflict situations

United Nations A/64/342

General Assembly

Distr.: General
8 September 2009

Original: English

Sixty-fourth session
Item 64 (a) of the provisional agenda*
Advancement of women

Status of the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General**

Summary

The present report is submitted in compliance with General Assembly resolution 62/218 on the Convention on the Elimination of All Forms of Discrimination against Women, in which the Assembly requested the Secretary-General to submit to it at its sixty-fourth session a report on the status of the Convention and the implementation of the resolution. It covers the period from 15 August 2007 to 24 August 2009.

* A/64/150.

** The present report was submitted late so as to reflect the most recent developments from the forty-fourth session of the Committee on the Elimination of Discrimination against Women.

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I. Status of the Convention on the Elimination of All Forms of Discrimination against Women

1. The year 2009 marks the thirtieth anniversary of the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by General Assembly resolution 34/180. It was opened for signature, ratification and accession in New York on 1 March 1980 and, in accordance with article 27 of the Convention, entered into force on 3 September 1981.

2. As at 24 August 2009, 186 States had ratified, acceded to or succeeded to the Convention, of which 82 had acceded to it and 8 had succeeded to it. The most recent State to accede to the Convention was Qatar, on 29 April 2009; the number of States parties therefore rose by one during the current reporting period (see previous report A/62/290). The list of States parties to the Convention and the dates of their ratification or accession to the Convention are on the website of the Office of Legal Affairs (http://untreaties.org).

3. As at 24 August 2009, 55 States parties had deposited with the Secretary-General instruments of acceptance of the amendment to article 20, paragraph 1, of the Convention, which relates to the meeting time of the Committee. The additional six acceptances since the submission of the last report were by the following States parties: Argentina, on 9 April 2009; Azerbaijan, on 23 May 2008; Cook Islands, on 27 November 2009; Costa Rica, on 27 April 2009; Cuba, on 7 March 2008; and Grenada, on 12 December 2007.

4. During the reporting period, reservations were entered by Qatar; objections to reservations were received from the Slovak Republic; and withdrawals of reservations were received from Algeria, Egypt and Luxembourg.

II. Status of the Optional Protocol to the Convention

5. By its resolution 54/4, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Optional Protocol was opened for signature, ratification and accession at United Nations Headquarters on 10 December 1999 and, in accordance with article 16, paragraph 1, entered into force on 22 December 2000.

6. As at 24 August 2009, 98 States parties had ratified or acceded to the Optional Protocol. This represents an increase in 10 States parties since the submission of the last report. These 10 States parties were: Angola, on 1 November 2007; Australia, on 4 December 2008; Cook Islands, on 27 November 2007; Guinea-Bissau, on 5 August 2009; Mauritius, on 31 October 2008; Mozambique, on 4 November 2008; Rwanda, on 15 December 2008; Switzerland, on 29 November 2008; Tunisia, on 23 September 2008; and Turkmenistan, on 20 May 2009.

III. Committee on the Elimination of Discrimination against Women

A. Substantive and technical servicing

7. Responsibility for supporting the Committee was transferred from the Division for the Advancement of Women to the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with five posts (2 P-4, 1 P-3, 1 P-2 and 1 General Service (Other level) (see A/62/6 (Sect. 23), para 23.67) on 1 January 2008, and all sessions during 2008 and 2009 were supported by staff of that Office.

8. The United Nations High Commissioner for Human Rights has ensured that the strong links between the Committee and the intergovernmental machinery responsible for the promotion of gender equality continue to be maintained. The Chair of the Committee participated in the fifty-second and fifty-third sessions of the Commission on the Status of Women in 2008 and 2009 and participated, with other members, in various side events. The Chair of the Committee also addressed the Third Committee of the General Assembly at its sixty-third session.

9. The Committee has taken a consistent interest in the question of the reform of the United Nations gender equality architecture. The Special Adviser on Gender Issues and Advancement of Women regularly briefed and discussed this question and current developments with Committee experts. Briefings were also provided by the Executive Director of the United Nations Development Fund for Women (UNIFEM) and the Director of the Division for the Advancement of Women. UNIFEM integrates the Convention and the work of the Committee into its activities, while the Division for the Advancement of Women continues to draw attention to the Convention and the recommendations of the Committee on priority issues considered by the Commission on the Status of Women and in other mandated reports prepared for intergovernmental bodies on gender equality. The Division for the Advancement of Women also regularly invited experts from the Committee to participate in expert group meetings and side events convened in conjunction with intergovernmental processes.

10. The Committee has taken full advantage of the opportunities provided by OHCHR, interacting regularly with the High Commissioner for Human Rights, her Deputy and other senior staff, and has welcomed opportunities for discussion with the President of the Human Rights Council and special rapporteurs of the Human Rights Council on issues of mutual concern. During its forty-second session, the Committee met with the President of the Human Rights Council, while at its forty-third session it received an in-depth briefing on the Council's universal periodic review mechanism. The Committee also met with the Advisory Committee of the Human Rights Council.

11. In terms of its interaction with special procedures mandate holders, at its forty-third session, the Committee met with the Special Rapporteurs on violence against women, its causes and consequences and on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. At its forty-fourth session, it met with the Independent Expert on minority issues. The Committee also received a briefing from the Independent Expert on the situation of human rights in Haiti at its forty-third session, during which it considered the

combined initial to sixth periodic reports of Haiti. A representative of the Committee attended the first session of the Forum on Minority Issues.

12. The Committee continued to contribute actively to the work of the human rights treaty bodies, especially within the framework of the annual meetings of chairpersons of treaty bodies and the inter-committee meeting. The Chair and designated members of the Committee participated in these meetings in 2008 (23 to 27 June 2008) and 2009 (29 June to 3 July 2009). Representatives of the Committee also participated in discussions in other committees on matters such as potential general recommendations and the work of OHCHR in general, including statistical information in the field of human rights and a representative of the Committee participated in a panel event during the eleventh session of the Human Rights Council in June 2009. Close relationships were also forged with individual treaty bodies. Of particular note is the establishment of a joint working group of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. The rapporteur on follow-up to the concluding observations of the Committee against Torture also provided a comprehensive briefing to the Committee at its forty-fourth session, which served as a basis for the development of its follow-up procedure.

13. Building on its statement "Towards a unified and integrated human rights treaty bodies system" adopted at its thirty-fifth session, the Committee has sought, where appropriate, to harmonize its working methods with other treaty bodies. Accordingly, in 2008, it adopted the terminology of "Concluding observations" rather than "Concluding comments" (decision 40/III, A/63/38, Part one, Chap. I) and finalized its treaty-specific guidelines for reporting, which complement the guidelines for the common core document (A/63/38, annex I). Following the practice of other treaty bodies, it also introduced a procedure to follow up its recommendations in its concluding observations. The Committee will keep its working practices under review, including in the light of the practice of other human rights treaty bodies.

B. The Committee's evaluation

14. At its forty-fourth session, in the light of General Assembly resolution 62/218, in which the Assembly urged the Committee to evaluate progress, the Committee noted that, during its past five sessions, it had made good progress in eliminating the backlog of reports awaiting review. Combined with its strategies to encourage reporting, this resulted in the submission of outstanding reports by a number of States parties. Three communications, one general recommendation (26 on migrant women workers) and four statements on the Universal Declaration of Human Rights at 60, Gaza, the international financial crisis and its consequences for the human rights of women and girls, and gender and climate change were finalized.

15. The Committee is gratified that it continues to attract a wide following within the United Nations system and civil society, including national human rights institutions and non-governmental organizations, and that it has been able to interact with the wider human rights framework, including the Human Rights Council, the special procedures mandate holders and other treaty bodies. Its transfer to OHCHR and the sessions in Geneva have enabled the Committee to interact regularly with the High Commissioner for Human Rights and to develop close relationships with

Geneva-based United Nations entities and other bodies, such as the Inter-Parliamentary Union.

16. The Committee considers that it has made strong efforts to harmonize its practices with those of other treaty bodies. It was one of the first treaty bodies to finalize the treaty-specific reporting guidelines used with the guidelines for the common core document, which are now being implemented by States parties within the context of the treaty body reform. It has harmonized its terminology with other treaty bodies and has sought to make its concluding observations more detailed, country-specific and action-oriented. The introduction of headings has made the concluding observations more user-friendly and easier to implement, as national line ministries are able to identify more easily the concerns and recommendations of most relevance to them. The Committee also considers that its follow-up procedure, which is based on that of other treaty bodies, will strengthen implementation at the national level.

17. The Committee believes that it has maintained and deepened its relationship with the United Nations mechanisms concerned with women's advancement, while strengthening its links with the human rights machinery. It believes this has been facilitated by the fact that it meets once annually at the United Nations Headquarters in New York, since this allows it to have regular interaction with the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, UNIFEM, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), as well as the many United States-based non-governmental organizations that focus on development or security issues. The Committee considers that the 2009 annual session has helped it to maintain its relationship with the Commission on the Status of Women and ensure its ongoing participation in the development activities of the United Nations and in discussions on women, peace and security. Its annual session in New York has also allowed it to contribute to discussions on the emerging gender architecture of the United Nations and should ensure that the Committee develops close links with the emerging gender entity. This entity should also benefit from the work of the Committee.

Fulfilment by States parties of reporting obligations

18. Article 18, paragraph 1, of the Convention provides that States parties undertake to submit reports on the implementation of the Convention within one year after its entry into force for the State concerned and thereafter at least every four years and further whenever the Committee on the Elimination of Discrimination against Women so requests.

19. Between 15 August 2007 and 15 August 2009, the Secretary-General received the reports of the following States parties: Algeria, Argentina, Armenia, Australia, Azerbaijan, the Bahamas, Belarus, Bahrain, Bhutan, Botswana, Burkina Faso, the Czech Republic, Denmark, Egypt, Ethiopia, Fiji, Finland, Germany, Guatemala, Guinea-Bissau, Haiti, Iceland, Israel, Japan, Kenya, the Lao People's Democratic Republic, Liberia, the Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, the Netherlands, Malta, Niger, Panama, Papua New Guinea, Portugal, the Russian Federation, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Timor-Leste, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, the United Arab Emirates and Uzbekistan.

20. During the period covered by the present report, the Committee held the following five sessions: fortieth session, 14 January to 1 February 2008; forty-first session, 30 June to 18 July 2008; forty-second session, October 2008; forty-third session, January 2009; and forty-fourth session, 20 July to 7 August 2009. Pursuant to General Assembly resolution 62/218, the Committee met in parallel chambers to consider reports during three of its five sessions, namely the forty-second, forty-third and forty-fourth. During these sessions, the Committee considered the reports of 46 States parties and reviewed the implementation of the Convention by one State party in the absence of a report.

Reports awaiting consideration, overdue reports and requests for follow-up reports

21. As at 15 August 2009, 31 reports submitted by States parties had yet to be considered by the Committee.

22. As at 15 August 2009, 56 States parties had a total of 102 overdue reports, including 20 initial reports, 17 second periodic reports, 13 third periodic reports, 20 fourth periodic reports, 14 fifth periodic reports, 11 sixth periodic reports and 7 seventh periodic reports.

23. In the light of the reduced backlog of reports awaiting consideration, the Committee initiated a systematic effort to encourage States parties to submit long overdue initial reports. On the basis of its decisions 29/I and 31/III (i), it established that it would proceed with consideration of the implementation of the Convention in the absence of a report only as a last resort and in the presence of a delegation. The Committee continued its practice of inviting States parties with long-overdue initial reports to submit all their overdue reports as a combined report by a specific date. At its sessions during the reporting period, the Committee decided to invite a number of States parties whose initial reports had been overdue for more than five years or whose periodic reports had been overdue for more than 10 years to submit all their overdue reports as a combined report within two years. States invited to submit their reports in accordance with this practice during the reporting period include Afghanistan, Bulgaria, Djibouti, Iraq, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Sri Lanka, Uganda and Zimbabwe (A/63/38, Part two, para. 419; A/64/38, Part one, para. 23). At its forty-fourth session, the Committee decided that the secretariat should systematically remind States parties whose reports are five years overdue or more to submit their reports as soon as possible. It requested the secretariat to send reminders to Antigua and Barbuda, Barbados, Saint Kitts and Nevis, Trinidad and Tobago and Zambia, and to update the Committee on the matter at its forty-fifth session.

24. At its forty-third session, the Committee considered the implementation of the Convention in Dominica, in the absence of a report, and adopted concluding observations based on the dialogue with representatives of the State party (CEDAW/C/DMA/CO/AR). The report of Haiti was submitted in 2008 and those of Guinea-Bissau and Liberia were submitted in 2009; they were considered by the Committee at its forty-third and forty-fourth sessions, respectively. The reports of the Bahamas, Papua New Guinea and Sri Lanka were received in 2009.

25. A follow-up report requested by the Committee following consideration of India's combined second and third periodic reports at its thirty-seventh session (CEDAW/C/IND/CO/3) was received on 10 July 2009.

C. Working methods of the Committee

26. Taking into account that the General Assembly is striving to limit the length of documentation, the Committee's report no longer includes the concluding observations on the reports of States parties or the decisions on communications; these are published as separate documents in all official languages of the United Nations and are posted on the OHCHR website.

27. The Committee's overview of its working methods was updated to ensure that its working methods are readily accessible to States parties and others interested in the implementation of the Convention (see CEDAW/C/2009/II/4, annex). The overview is also available on the OHCHR website.

28. The Committee has continued to convene its pre-session working group two sessions in advance of the consideration of a report, to ensure that States parties have enough time to respond to their respective lists of issues and questions and that the responses are available in all official languages when the reports are considered.

29. The Committee now routinely includes the last paragraph of its concluding comments, which establishes the due date for the State party's next periodic report. In cases where the next periodic report is overdue or becomes due within a year of the date of consideration, the Committee requests the State party to submit its next report as a combined periodic report and, at its fortieth session, it adopted decision 40/IV, in which it requests States parties that reported at that session to present their subsequent two reports as combined reports.

30. During the reporting period, the Committee focused on ensuring that the concluding observations on the reports of States parties were more user-friendly, concrete and precise, so that they could be implemented more easily at the national level. At its forty-first session, it decided to adopt the practice of inserting titles (subject headings) in its concluding observations, and agreed on a list of titles which would be applied flexibly and as appropriate for the State party concerned (A/63/38, Part two, annex X). Also at that session, the Committee decided to introduce a follow-up procedure whereby it would include a request to individual States parties in the concluding observations for information on steps taken to implement specific recommendations. The request would call on States parties to provide such information to the Committee within two years. The Committee also decided to assess the experience of its follow-up procedure in 2011 (A/63/38, Part two, decision 41/III). The first follow-up report submitted under this procedure was received in July 2009.

31. At its forty-fourth session, the Committee decided to appoint a rapporteur on follow-up to concluding observations and an alternate; it also adopted a framework for the rapporteur's mandate, which would be for one year. A maximum of two recommendations would be identified for follow-up; the criteria for those recommendations would be that their lack of implementation constituted a major obstacle to the implementation of the Convention and that implementation was feasible within the suggested time frame. The follow-up report would be made public. Where possible, the follow-up rapporteur would collaborate with the country rapporteur on the assessment of the follow-up report. The rapporteur would report to the Committee at each session and her or his report would be included in the Committee's report to the General Assembly. The rapporteur should be assisted by a

member of the Secretariat; support would be requested from the High Commissioner in that regard.

32. The Committee continued its interaction with the specialized agencies and other bodies of the United Nations system that contribute to its work and support the full implementation of the Convention at the national level. In particular, immediately prior to its forty-fourth session, the Committee participated in a seminar on women of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR) co-organized by OHCHR and UNHCR. It continued to benefit from joint information submitted on countries under consideration by United Nations country teams, and encouraged the entities of the United Nations system to expand this practice and, in particular, to make such information available to the Committee's pre-session working group and undertake follow-up activities on the basis of the Committee's concluding observations at the country level.

33. The Committee continued its practice of meeting informally with non-governmental organizations wishing to present country-specific information on States parties whose reports were before it, at the beginning of the first and second weeks of the session. The Committee's pre-session working group also provided opportunities for non-governmental organizations to present written and oral information. General and session-specific information notes for non-governmental organizations are regularly posted on the OHCHR website.

34. The Committee adopted a statement on its relationship with national human rights institutions at its fortieth session which, inter alia, welcomed the provision, by national human rights institutions, of information on States parties' reports that are before the pre-session working groups and sessions of the Committee. Several national institutions provided oral and written information during the reporting period.

35. The Committee continued to emphasize the important role of parliamentarians in the implementation of the Convention and the follow-up to concluding observations and, beginning at its forty-second session, has included a standard paragraph on the role of parliaments in each observation. The Inter-Parliamentary Union (IPU) regularly submits country-specific information on the implementation of the Convention in States parties and organizes regular capacity-building sessions for parliaments on the Convention and its Optional Protocol.

36. The Committee continued its practice of adopting statements on particular events or developments. These include a statement on the commemoration of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, adopted at the Committee's forty-second session (A/64/38, Part one, annex II); a statement on the international financial crisis and its consequences for the human rights of women and girls and a statement on Gaza, adopted at its forty-third session (A/64/38, Part two, annexes I and II, respectively); and a statement on gender and climate change, adopted at its forty-fourth session.

37. The Committee convened one informal meeting with States parties to the Convention during its forty-first session, at which Committee experts briefed the States parties on the Committee's working methods and other issues.

38. At the invitation of the Government of Switzerland, the Committee held its sixth informal meeting in Geneva, from 24 to 26 October 2007. At the meeting, it

continued the revision of its guidelines on reporting and discussed a general recommendation on article 2 of the Convention, follow-up to the Committee's concluding observations, interaction with national human rights institutions and its relationship with the Human Rights Council. The meeting also held an orientation session with OHCHR, in the light of the transfer of the servicing of the Committee to that Office as at 1 January 2008.

39. The Committee adopted a general recommendation on migrant women at its forty-second session. It continued to work on a general recommendation on article 2 of the Convention and following a discussion on its long-term programme of work on general recommendations, established working groups on general recommendations on the human rights of older women and the economic consequences of marriage and its dissolution (A/63/38, Part one, paras. 28 to 30). At its forty-fourth session, the Committee convened informal discussions on both topics, with the participation of United Nations system entities and civil society.

D. Working methods with regard to the Optional Protocol

40. During the reporting period, the Committee continued to carry out its activities under the Optional Protocol to the Convention. On average, it allocated two meetings per session to matters relating to the Optional Protocol.

41. The Committee's Working Group on Communications under the Optional Protocol held five sessions (3 three-day sessions, 1 four-day session and 1 six-day session) immediately prior to the Committee's fortieth, forty-first, forty-second and forty-fourth sessions, and immediately after the forty-third session. To date, the Working Group has registered 22 communications, six of which were registered during the reporting period.

42. The Committee decided to discontinue examining one communication during its fortieth session (No. 9/2005) and two communications during its forty-second session (No. 14/2007 and No. 16/2007).

43. At its forty-second session, the Committee took action on one communication, deciding that it was inadmissible under article 4, paragraph 1, of the Optional Protocol on the basis that all available domestic remedies had not yet been exhausted (CEDAW/C/42/D/15/2007). A dissenting opinion was submitted. At its forty-fourth session, the Committee decided that communication No. 12/2007 was inadmissible under article 2 of the Optional Protocol because the authors lacked the quality of victim. Communication No. 13/2007 was considered inadmissible for some authors because they lacked the quality of victim under article 2 of the Optional Protocol; for other authors, it was inadmissible *ratione temporis* under article 4, paragraph 2 (e) of the Optional Protocol; and for one author, it was inadmissible for non-exhaustion of domestic remedies under article 4, paragraph 1.

44. The Committee continued its follow-up activities to the views on communications. At its forty-second session, it adopted its first report on follow-up to views on individual communications, which compiled in summary form all the information received up to the forty-first session (A/64/38, Part one, annex XII). The Committee decided that an updated report will be prepared for each session and that the reports will be compiled in a chapter on follow-up in the annual report.

45. On the recommendation of the Working Group on Communications under the Optional Protocol, the Committee discussed and adopted a note, at its fortieth session, on the formulation and format of individual opinions on Committee decisions (A/63/38, Part two, annex IX). It also revised its model communication form and adopted a fact sheet on the submission of individual communications under the Optional Protocol.

46. At its forty-first session, the Committee adopted decision 41/I (A/63/38, Part two, chap. I), in which it decided that the determination of compatibility of reservations with the object and purpose of the Convention (see article 28, para. 2 of the Convention) not only falls within its function in relation to the reporting procedure under article 18 of the Convention, but also in relation to individual communication and inquiry procedures under the Optional Protocol.

IV. Efforts to encourage universal ratification of the Convention, its Optional Protocol and acceptance of the amendment to article 20, paragraph 1, of the Convention

47. The High Commissioner for Human Rights, the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women and the Director of the Division for the Advancement of Women have continued to encourage universal ratification of the Convention and the Optional Protocol and ensure acceptance of the amendment to article 20, paragraph 1, of the Convention, which stipulates the meeting time allocated to the Committee. They have encouraged related action in their meetings with delegations, in statements and presentations at United Nations Headquarters, at other duty stations, and at conferences and other forums. The activities celebrating the thirtieth anniversary of the adoption of the Convention and the tenth anniversary of the adoption of the Optional Protocol by the General Assembly focused on encouraging the remaining States to ratify the treaties. At its forty-fourth session, the Committee adopted decision 44/III urging ratification of the Convention and the Optional Protocol and encouraging States parties to them to celebrate the respective anniversaries at the national level.

V. Technical assistance provided to States parties

48. Technical assistance and capacity-building activities of OHCHR routinely focus on the Convention, including with respect to preparation of reports and follow-up to concluding observations, as well as the mechanisms established under the Optional Protocol. During 2008 and 2009, OHCHR implemented a large training project on the human rights treaty body system, focusing in particular on follow-up to concluding observations of all human rights treaty bodies. This training was offered to representatives of Government officials, national human rights institutions, non-governmental organizations and the media in Indonesia, Mexico, Morocco, Panama and Thailand. The Committee also organized two regional judicial colloquia for judges in Bangkok and Panama on the domestic application of human rights norms.

49. The Division for the Advancement of Women continued to work on the implementation of the Convention within the framework of the follow-up to the

Beijing Declaration and Platform for Action and subsequent mandates of the General Assembly and the Commission on the Status of Women. These mandates recognize that the implementation of the Beijing Declaration and Platform for Action and the fulfilment of the obligations under the Convention are mutually reinforcing in achieving gender equality and the empowerment of women.

50. Within the framework of its capacity-development programme, and in accordance with General Assembly resolution 62/218, paragraph 17, the Division continued to extend technical assistance on implementation of the Convention and the Beijing Platform for Action and on implementation of and follow-up to the Committee's concluding observations, at the request of States parties. During the reporting period and in cooperation with the Economic and Social Commission for Western Asia (ESCWA), the Division organized a subregional workshop on the roles of judges and parliamentarians in the implementation of the Convention, in Amman, from 17 to 19 October 2007. Judges and parliamentarians from nine countries participated in the event; they adopted findings and recommendations on family and personal status laws and on violence against women. The Division subsequently collaborated with ESCWA on a second training workshop on the roles of parliamentarians, from 26 to 28 November 2008, in Beirut. Both workshops benefited from the contributions of experts of the Committee.

51. At the request of Bosnia and Herzegovina, the Division supported the participation of two Committee experts, as facilitators and resource persons, in a workshop held from 23 to 24 April 2009. The purpose of the workshop was to develop the methodology for the preparation of the State party's periodic report under article 18 of the Convention and to strengthen the implementation of the Committee's concluding observations on the State party's combined initial, second and third periodic report. The Division supported Haiti in the finalization of its combined initial through fifth periodic report, including the convening of a validation workshop on the draft report from 13 to 15 February 2008. The Division also facilitated the participation, as observer, of one Haitian Government official, at the forty-second session of the Committee, from 29 October to 4 November 2008, in Geneva. The Division continued its multi-phased support to the Government of Liberia to strengthen capacity for implementation of the Convention, including reporting under article 18 of the Convention. Beginning in 2006, the Division organized six capacity-building activities, namely a high-level consultation, from 12 to 15 June 2006; a workshop on the Convention in March 2007; a workshop for Government officials on reporting, from 18 to 22 June 2007; a workshop for report writers, from 19 to 20 November 2007; a workshop to review and finalize the draft report, from 19 to 21 March 2008; and a preparatory workshop ("mock session"), from 12 to 13 May 2009, in advance of Liberia's presentation of its combined initial through fifth periodic report to the Committee at the forty-fourth session in July 2009. The Division also supported the participation of two Government officials at the forty-fourth session.

52. The Division supported the convening of a multi-stakeholder workshop in Freetown, Sierra Leone, on 18 to 19 May 2009, which was attended by 35 officials from different Government ministries, offices and agencies, as well as representatives of non-governmental organizations and national human rights institutions. The purpose of the workshop was to discuss follow-up to the Committee's concluding observations and initiate the preparation of Sierra Leone's sixth periodic report, due in December 2009.

53. The Division continued to provide sustained and comprehensive support to post-conflict countries for the implementation of the Convention. In carrying out this priority programme, it benefited from the support and advice of the United Nations missions and country teams in the States parties concerned. Funding for the programme was provided by the Governments of Ireland, Norway and New Zealand. During the reporting period, the Division supported Haiti, Liberia and Sierra Leone. Committee experts served as facilitators and resource persons in all activities.

VI. Dissemination of the Convention, its Optional Protocol and information on the work of the Committee

54. OHCHR maintains a page on the Convention and its Optional Protocol and the work of the Committee on its website. The text of the Convention and its Optional Protocol, reports of States parties, lists of issues and questions, responses from States parties, States parties' introductory statements and the composition of delegations presenting reports, the Committee's concluding observations and documents and any other information concerning the Convention, its Optional Protocol, the working methods of the Committee and the meetings of States parties are posted on the website. The Committee's concluding observations, views on communications, general recommendations and other output are also disseminated through the electronic mailing list (listserv) administered by OHCHR. The Universal Human Rights Index, the electronic research tool maintained by OHCHR which indexes concluding observations of human rights treaty bodies and recommendations of special procedures mandate holders, includes all the output of the Committee. The training DVD ("Bringing Human Rights Home") includes the Convention, the Optional Protocol and the work of the Committee. Events and activities associated with the thirtieth anniversary of the adoption of the Convention and the tenth anniversary of the adoption of the Optional Protocol provide opportunities for greater dissemination of the Convention and the impact of the Committee's work.

VII. Conclusions and recommendations

55. **The Committee has made significant efforts to reduce the delay between the submission of reports and their consideration, using efficient working methods, including time management, which it adjusts on the basis of experience. Its efforts to encourage States parties to comply with their reporting obligations, especially where reports are long overdue, have been successful. It has enhanced its interaction with stakeholders in the implementation of the Convention, in particular with national human rights institutions, and has actively contributed to the common efforts of all treaty bodies to harmonize the human rights treaty body system, while adopting innovations appropriate to its work. The Committee has continued to develop its jurisprudence through its work under the Optional Protocol, and its follow-up procedure under this instrument has yielded positive results. It has adopted one general recommendation and has made considerable progress in developing three others. Despite the Committee's achievements, it must make greater efforts to disseminate the Convention more widely. Particular efforts are required with respect to the Optional Protocol, as few communications have**

been submitted. The Committee's concluding observations must be considered as authoritative and its new follow-up procedure in this context should be implemented fully by States parties.